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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in the former Yugoslavia

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, the members of the Security Council and to the Organization for Security and Cooperation in Europe, the periodic report prepared by Mrs. Elisabeth Rehn, Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, in accordance with General Assembly resolution 51/116 of 12 December 1996 and Economic and Social Council decision 1997/266 of 22 July 1997.

ANNEX

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I. INTRODUCTION

1. The present report, submitted pursuant to Economic and Social Council decision 1997/266 of 22 July 1997, considers human rights developments in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia from January to September 1997. During that time, the Special Rapporteur, Mrs. Elisabeth Rehn, conducted seven missions to the territory of the former Yugoslavia.

2. To obtain a comprehensive picture of the human rights situation in the area of her mandate, the Special Rapporteur has endeavoured to meet people from all sectors of society. She has been assisted in her work by the field offices of the United Nations High Commissioner for Human Rights, located in Sarajevo and Banja Luka (Bosnia and Herzegovina), Zagreb and Vukovar (Croatia), and Belgrade (Yugoslavia). The Special Rapporteur notes that she would be unable to implement her mandate without the invaluable support of the field operation of the High Commissioner for Human Rights. Although seriously hampered by financial and administrative constraints, it handles a number of tasks, including analysing human rights developments, assisting in the drafting of reports, intervening on the Special Rapporteur's behalf before local authorities, keeping the Special Rapporteur informed of developments on a daily basis and organizing her missions.

3. The Special Rapporteur is grateful to the Governments covered by her mandate, all of which have provided her with their generous cooperation. She is also indebted to the many international governmental and non-governmental organizations, too numerous to list, that have provided her with support since she assumed her mandate in September 1995.

4. The present report is an abridged version of three separate country reports on Bosnia and Herzegovina, Croatia and Yugoslavia, which contain considerably more detail and analysis, and which are being submitted simultaneously to the Commission on Human Rights.[1] The Special Rapporteur wishes to advise the General Assembly, in addition, that she has submitted a final country report on the former Yugoslav Republic of Macedonia, dated 30 September 1997, to the Commission on Human Rights.[2] Finally, the appendix to the present report reproduces a letter written by the Special Rapporteur to the Chairman of the Commission on Human Rights, dated 3 April 1997, recapitulating some of her main concerns at that time.

II. BOSNIA AND HERZEGOVINA

A. General observations

5. The implementation thus far of the human rights provisions of the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement) (A/50/810-S/1995/1021, annex) is far from satisfying. The same is true of other non-military aspects of the Dayton Agreement. The Special Rapporteur has previously described progress achieved in the creation of joint institutions of

Bosnia and Herzegovina and the difficulties those institutions face. Currently, they are largely paralysed mainly by the refusal of Republika Srpska (RS) delegates to participate. In spite of enormous international pressure and involvement, the joint institutions remain, to a large extent, symbolic.

6. Some progress has been achieved in the entity of the Federation of Bosnia and Herzegovina ("the Federation"), but there too, one must deplore the serious delay in the creation of a coherent legal system, including reformed judicial institutions, law enforcement agencies and prisons. A continuing lack of trust between the Federation partners is clearly evident. A principal problem lies in the divergent views of the main political parties, the Party for Democratic Action (SDA) and the Croatian Democratic Union (HDZ), over the precise type of systems they wish to create.

B. Elections

7. Nationwide, municipal elections were scheduled for 13 and 14 September 1997, just subsequent to the preparation of the present report. During the period preceding the elections, the Special Rapporteur observed that participation in political life was hindered by various obstacles, notably the lack of freedom of the press. These problems prevented genuine inter-entity (as well as intra-Federation) campaigning and had a negative effect on the right of citizens to information.

8. During the voter registration process in 1997, irregularities were observed throughout the country, mainly in the RS and Croat-dominated municipalities in the Federation. In most cases, infractions consisted of manipulation of voter registration, resort to fraudulent documentation, and unlawful pressure placed on displaced persons to vote in particular ways. These incidents have seemed to reflect a general reluctance of the parties in power (SDA, Serb Democratic Party (SDS) and HDZ) to accept political diversity and revealed blatant disregard for the fundamental democratic principle of pluralism.

9. The Special Rapporteur is concerned with this situation since the conduct of unfair elections would increase political instability. Whatever the outcome of the elections, it is clear that the post-electoral phase, including the processes of certification and implementation of election results, will require close monitoring and support.

C. Legal guarantees

1. Human rights obligations

10. Under the Dayton Agreement, Bosnia and Herzegovina is bound by 21 international human rights instruments. This is stipulated in the Constitution itself (annex 4 of the Dayton Agreement) as well as in annex 6, which is devoted to human rights. In addition, the Constitutions of the two entities, the Federation of Bosnia and Herzegovina and Republika Srpska, contain solid guarantees for the protection of human rights.

2. National human rights institutions

11. Three national institutions dealing with human rights issues were established by the Dayton Agreement. The Human Rights Ombudsperson and the Human Rights Chamber, which together form the Human Rights Commission, are described in annex 6 of the Agreement. They may consider alleged or apparent violations of human rights by the authorities that occurred after 14 December 1995, the date of entry into force of the Dayton Agreement. The Commission for Real Property Claims, established under annex 7 of the Agreement, adjudicates claims for real property where the property has not voluntarily been sold or otherwise transferred since 1 April 1992 and where the claimant does not presently enjoy possession of that property. All three institutions, which have jurisdiction over the entire territory of Bosnia and Herzegovina, have substantial international components for the first five years of their operations.

Human Rights Ombudsperson

12. The Human Rights Ombudsperson, Dr. Gret Haller (Switzerland), was appointed by the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE) for a non-renewable term of five years. Her investigations may be initiated in response to an allegation of a human rights violation through an application to her office or on her own initiative. They result in reports issued by the office containing findings and conclusions. So far, most cases taken up by the Ombudsperson have concerned property issues. Other cases have related to independence of the judiciary, freedom of movement, effective domestic remedies, access to court, the rights of detainees and the rights to liberty and security. The Ombudsperson has been confronted with a lack of cooperation from authorities at all levels, although to varying degrees.

Human Rights Chamber

13. The Human Rights Chamber is an independent judicial body composed of 14 members, 8 of whom are international judges and 6 from Bosnia and Herzegovina. Sessions of the Chamber are held the first week of every month in Sarajevo. The decisions of the Chamber are final and binding. In principle, the Chamber gives priority to allegations of especially severe or systematic violations and those founded on alleged discrimination on prohibited grounds.

14. Cooperation by the authorities with requests from the Chamber has been inconsistent. Requests for written observations have often been ignored by Federation officials, while the RS side has sometimes responded. The Government of Bosnia and Herzegovina has not yet nominated an official agent to serve as a liaison with the Chamber as agreed.

Commission for Real Property Claims

15. The Commission for Real Property Claims is composed of nine members, three of whom are international and six citizens of Bosnia and Herzegovina. Upon receipt of a claim for real property, the Commission is responsible for determining who is the lawful owner and the value of the property. Most of the claimants are refugees or displaced persons, and victims of "ethnic cleansing"

who lost homes and property during the war. If the Commission finds the claimant to be the lawful owner of the property, it may either order its return or just compensation, depending on the claimant's request.

16. The ability of the Commission to give compensation in lieu of return of property as provided for by the Dayton Agreement will remain a "paper promise" as long as no funds are available with which to compensate individuals. The necessary financing may never be attained, which has prompted the Commission to come up with alternative means of compensation. One possibility under consideration is to issue certificates based on the value of the home, which could then be exchanged for other such certificates.

Office of the Federation Ombudsmen

17. The Office of the Federation Ombudsmen, established in 1994 under the Washington Agreement, consists of three persons - one each from the three principal national groups in Bosnia and Herzegovina. The Ombudsmen are present throughout the territory of the Federation, with two offices in Sarajevo and branch offices in Tuzla, Bihać, Ženica, Livno and two locations in Mostar. Two more offices are expected to open soon in Travnik and Capljina. The Ombudsmen receive allegations of human rights abuse directly from citizens or through referrals from the Ombudsperson and intervene personally with the authorities to resolve individual cases. Their reports reveal a pattern of discrimination and harassment of ethnic minorities throughout the Federation.

18. The Federation Ombudsmen have been the target of some criticism by the authorities. Recently, they were criticized by some members of the Party for Democratic Action (SDA) in the Federation House of Representatives, who demanded that each of the three Ombudsmen deal only with complaints from persons of their own ethnic background and not criticize officials of their own ethnicity. In meetings with competent authorities during her missions, the Special Rapporteur has always expressed her unequivocal support for the work of the Federation Ombudsmen.

Obstacles to effective functioning

19. The parties to the Dayton Agreement are obligated to comply with the decisions and recommendations of the Ombudsperson, the Human Rights Chamber and the Commission for Real Property Claims. All three Dayton institutions as well as the Federation Ombudsmen have been hampered in their work by a low level of cooperation from the authorities. In particular, requests for information are virtually ignored and implementation of decisions and recommendations of these institutions remains seriously inadequate. Indeed, no effective enforcement mechanism exists to enforce compliance with decisions and recommendations.

20. All three Dayton institutions are facing severe financial crises, which significantly undermine their ability to function effectively. However, their work and that of the Federation Ombudsmen continues to expand. None of the institutions currently has sufficient funds to cover its work for the remainder of 1997. The budget outlook for 1998 is worse, with only a fraction of the projected budgets of the three institutions pledged by the international community.

D. Freedom of movement

1. General

21. The Special Rapporteur constantly receives information showing that freedom of movement is still violated throughout the territory of Bosnia and Herzegovina. Abuses by law enforcement officials of the Federation and the RS are most commonly perpetrated near the Inter-Entity Boundary Line, by illegal checkpoints, the imposition of illegal visa fees and road taxes, demand of documents not legally required, confiscation of documents and goods, and even arrests of individuals. For instance, there have been numerous complaints according to which RS authorities have requested visa fees from travellers, especially in the Brčko area. Although international observers have stressed that only Bosnia and Herzegovina State authorities - and not those of the entities - are competent in such matters, abuses of this type have been ongoing.

22. On 15 May 1997, in response to the increasing violations of the agreed rules for police checkpoints, the Commissioner of the International Police Task Force (IPTF) introduced a stricter policy designed to reduce the number of illegal checkpoints throughout the country. Local police are required to submit to IPTF stations a weekly schedule specifying the number of planned checkpoints as well as their position, time, duration and purpose. All checkpoints not authorized by IPTF are to be considered illegal and dismantled. In case local police refuse to remove a checkpoint when ordered, IPTF may request the assistance of the international Stabilization Force (SFOR).

23. The IPTF checkpoint policy is generally respected in the Federation, although violations occasionally occur. There is more resistance in the RS, where the authorities have made clear that the RS police will not cooperate with IPTF, including on the checkpoint policy.

24. The absence of a uniform car registration system is an issue of concern since it increases the likelihood of violations of freedom of movement on ethnic grounds. Indeed, cases are frequently reported of police officers stopping vehicles displaying a registration plate from elsewhere in the country. These arbitrary practices are clearly discriminatory and constitute a disregard for democratic policing. In the Sintra Declaration of 30 May 1997,[3] the Steering Board of the Peace Implementation Council called for the introduction of a uniform car registration system by 1 January 1998.

2. Right to voluntary return

25. The rights of refugees and displaced persons to return to their homes is at the heart of the Dayton Agreement. A key objective of the Agreement is to guarantee the safety of returnees and to protect them from harassment, intimidation, persecution and discrimination. 1997 was expected to be a year of large returns of refugees and displaced persons. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), however, the return movement has been slower than expected. The agency had estimated that some 200,000 refugees and displaced persons would return in 1997, but by the end of August the actual number was some 83,000 persons.

26. The security of returnees, especially those returning to areas where they would be in the minority, continues to be a serious problem. The international community can provide some security through its presence, but in the long term, only the vigilance of local law enforcement authorities, combined with proper functioning of the judicial system, can ensure favourable conditions for returns. Many administrative obstacles, which may appear insignificant at first, also hinder returns owing to their cumulative effect. Illegal requests for visas, customs duties and road taxes prevent freedom of movement and, indirectly, returns. Civil registration, required at the municipal level, is another area of concern. Another obstacle to returns appears to be excessive retroactive taxation of people who left their municipalities during the war.

27. During her missions, the Special Rapporteur visited areas where returns have been especially difficult, including Brčko, Banja Luka (RS), and Stolać, Drvar and Jajce (Federation). She has also continued to follow the situation in Bugojno (Federation), where local Bosniak authorities have not allowed Croats to return. She is pleased to note that the pilot project in Stolać has progressed, with almost 50 families having returned. In August 1997, the Special Rapporteur visited Jajce, where Bosniak returnees were forced from town during an incident on 3 August but to which, since then, most had returned. She was encouraged by the determination of the returnees to stay in the villages.

28. The Special Rapporteur would like to commend those municipalities participating in the Open City initiative, including Konjic and Vogosca (Federation) and believes that the approach, whereby towns receive financial and material assistance on the basis of respect for human rights and facilitation of minority returns, is the right one. At the same time, she has been deeply discouraged by a near complete lack of minority returns to the territory of the Republika Srpska.

E. Property rights

1. Legislation and law enforcement

29. Observance of property rights is central to achieving the objective of the return of refugees and displaced persons to their pre-war homes. The decision to return depends on many factors, a crucial one being whether one has a place to live. Both entities of Bosnia and Herzegovina have committed themselves to bringing their property laws into compliance with the Dayton Agreement. However, neither had amended its legislation as of the writing of this report. In the Sintra Declaration, the Steering Board of the Peace Implementation Council called on the Federation and the RS to amend their property laws to enable the full implementation of annex 7 of the Peace Agreement.

30. The Special Rapporteur and field staff of the United Nations High Commissioner for Human Rights have continued to monitor property-related human rights violations in Bosnia and Herzegovina. In Banja Luka, a group of persons who had been forcibly evicted, and on whose behalf courts had ordered reinstatements, have been trying to enter their homes with the support of international organizations. Local police, illegally occupying flats themselves in many cases, have not been cooperative.

31. On the Croat-controlled west side of Mostar, while illegal and violent evictions were endemic in 1996 and early 1997, no illegal evictions have been reported since then. However, the Special Rapporteur is not satisfied with the passivity of local authorities who have failed to reinstate persons evicted in 1996 and 1997. During her missions to Mostar she strongly urged action by the responsible authorities.

2. Destruction of housing

32. Destruction of housing has continued in many areas throughout Bosnia and Herzegovina. The houses involved are clearly targeted with the intent to deter the return of refugees and displaced persons belonging to local minorities. On 2 and 3 May 1997, some 25 houses were set on fire in the Croat-controlled municipality of Drvar (Federation), where displaced Serbs have been trying to return. Houses were also destroyed in the Zone of Separation near Brčko, and in Stolać, where displaced Bosniaks have been returning under a pilot project.

33. The Special Rapporteur, who has visited most of these places during her missions, has condemned in the strongest terms these acts of destruction and demanded that local authorities take the necessary action to arrest and prosecute the individuals responsible. She has been informed that perpetrators of a recent incident in Bugojno have been arrested, and will follow events to see if they are punished accordingly.

F. Right to life

1. Landmines

34. Landmines laid during the war continue to kill and maim people throughout Bosnia and Herzegovina. Between 1 January 1996 and 29 August 1997, 216 persons died, 531 received serious injuries and 153 minor injuries, according to the United Nations Mine Action Centre. The victims have been mainly civilians, including men and women harvesting crops or collecting wood, and children playing in fields. The number of incidents is likely to swell with the process of return.

35. The Special Rapporteur is convinced that many accidents could be avoided if objective information were provided through mass media and community initiatives, also for refugees in their host countries. She is aware of the efforts of national and international organizations (including the United Nations Children's Fund (UNICEF), UNHCR and Handicap International) to provide information and has called for additional funding to expand such campaigns. However, she has stressed the primary responsibility of local authorities for addressing this pressing issue.

2. The death penalty

36. The Special Rapporteur has noted with concern the survival of criminal provisions permitting courts to pronounce and apply the death sentence. She is

even more troubled by rulings imposing capital punishment, in cases in both entities. The Special Rapporteur has insisted that the death penalty is incompatible with applicable international law, including the European Convention on Human Rights and its Sixth Additional Protocol, and the Second Optional Protocol to the International Covenant on Civil and Political Rights. She has called for it to be abolished throughout the country.

G. Liberty and security of persons

1. Police torture and mistreatment

37. Police involvement in human rights violations remains of concern in both entities. International observers have received abundant evidence of assaults committed by police during stops and arrests of individuals and during their detention. It appears that the maximum period of three days in police custody authorized before a suspect must be brought before an investigative judge is widely used to extort confessions from detainees.

38. During the past few months, the IPTF has been conducting investigations into police abuses, and has intervened before local authorities, including in Mostar, Brčko, Drvar, Jajce and Gajevi. In the area of Teslić (RS), ill-treatment by the police of citizens belonging to the Bosniak minority is common. On 12 June 1997, for example, one Bosniak man and his two friends were stopped and assaulted by the police while riding their bicycles. On the same day, the police stopped and assaulted three other Bosniak men.

2. Illegal detention

39. The illegal detentions of Nenad Skrbić and Dusan Skrebić, two Serbs who were captured by the 3rd Corps of the Bosnian Army and held in Ženica (Federation) prison for one and one-half years - in violation of annex 1-A of the Dayton Agreement - are particularly alarming. The men had been listed by the International Committee of the Red Cross (ICRC) as missing since September 1995, and numerous inquiries by international organizations with the responsible authorities had failed to locate them.

40. On 3 August 1997, IPTF and SFOR, in a joint operation, found the detainees and managed to secure their release the following day. The absence of documentation on the cases, and the detention of the men in a separate storage room under special guard, showed they were being purposefully hidden. The Special Rapporteur issued a statement condemning the illegal detention and demanding a full investigation and prosecution of those responsible for this grave human rights violation.

41. A lack of respect for the "Rules of the Road", agreed to by the parties in Rome on 18 February 1996, remains a serious concern for implementation of the Dayton Agreement. According to the Rules, individuals not indicted by the International Tribunal for the Former Yugoslavia may only be arrested and detained for serious violations of international humanitarian law pursuant to a previously issued order, warrant or indictment that has been reviewed by the

Tribunal and found to be based on sufficient evidence. Since December 1995, all war crimes arrests in both entities except for one have been carried out in violation of the Rome Agreement.

42. The Special Rapporteur was encouraged by the release, on 12 August 1997, of Milorad Marčeta, from Luke prison in Bihać (Federation). Mr. Marčeta was arrested on 25 October 1996, while travelling from Prijedor (RS) to Sanski Most (Federation) on a UNHCR bus, and had been detained since that date. Charged with war crimes and held without a warrant, Mr. Marčeta's case was reviewed by the International Tribunal. After his release, the Tribunal determined that there was insufficient evidence for his arrest.

H. Administration of justice

1. Right to fair trial

43. By monitoring sensitive trials and intervening with the responsible authorities, the Special Rapporteur and staff of the High Commissioner for Human Rights have played an active role in supporting the efforts of the Human Rights Coordination Centre of the Office of the High Representative to deter human rights abuses and build confidence in the legal system. A country-wide trial monitoring project has been undertaken, covering domestic war crimes trials and others with serious human rights implications, to help ensure basic rights such as the right to an effective legal counsel of one's choice.

44. Except for the case of Momir Cović, a Serb indicted for war crimes who was acquitted by the Sarajevo Superior Court (Federation) in March 1997 owing to lack of evidence, the right to a fair trial and due process has been violated in many instances in both entities. The most prominent example is the "Zvornik 7" case, the trial of seven Bosniak men from Srebrenica conducted by the Zvornik Court (RS). In a public statement of 25 April 1997, the Special Rapporteur strongly condemned the court's proceedings and qualified the verdict as a "judicial farce". The expedited trial (which only lasted two days), the presentation of dubious evidence and the absence of effective legal counsel all violated minimum international fair trial standards.

45. The Special Rapporteur has noted with particular concern the continuing lack of progress in the case of Zlatko Memović, whom she visited in Bijeljina prison in November 1996. Mr. Memović has been held in prison since 27 February 1994 on charges of war crimes and was sentenced on 23 December 1994 to 11 years' imprisonment. Although the Bijeljina Military Court on 13 October 1995 annulled that verdict and ordered a retrial, he is still in detention with no date set for a retrial.

2. Inter-entity judicial cooperation

46. The virtual absence of inter-entity judicial cooperation remains one of the most urgent problems of the judiciary. Various problems in the areas of service of subpoenas and obtaining evidence across inter-entity boundary lines, as well as the admissibility of members of the bar from one entity to practice in the

other, result in serious violations of due process and fair trial principles. Although officials from both entities have reiterated the importance of inter-entity judicial cooperation, no real progress has been achieved during the last few months.

I. Law enforcement and police reform

1. Federation of Bosnia and Herzegovina

47. On 25 April 1996, Croat and Bosniak representatives of the Federation concluded the Bonn-Petersburg Declaration on reform of the police. The parties agreed that the police must conduct their activities with respect for human dignity and basic human rights of all persons. It was agreed that those persons who were not selected to serve as police in the restructured Federation Police force would not be allowed to perform law enforcement duties and would not be permitted to carry arms. Those individuals discovered with arms who were not certified by IPTF to serve as police would be treated by the Implementation Force (IFOR) (now SFOR) as armed civilians to be seized and disarmed.

48. To assist in implementing the restructuring efforts, IPTF has been conducting a certification process, the aim of which is to establish a democratic and well-educated police force, which, ultimately, will consist of some 11,500 officers (down from 22,000). IPTF will compile a list of eligible candidates, from which local authorities will select policemen. To be eligible a candidate must go through a three-phase review and must be certified as meeting relevant criteria, including an appropriate educational background, no criminal record, no record with the International Tribunal and no responsibility for human rights violations. Among those who have already been determined ineligible are many persons who joined the force during the conflict, without any previous experience or training. The authorities must also redress the serious lack of women officers in the Federation police forces.

49. At the beginning of September 1997, restructuring was finalized in the cantons of Sarajevo, Upper Drina (Goražde), Posavina, Central Bosnia and Neretva (Mostar). In the remaining cantons, that is, West Herzegovina (Ljubuski), Tuzla-Prodinje, Una-Sana (Bihać), Tomislavgrad (Livno) and Ženica-Doboj, problems remain but it is expected that all will be restructured before the end of September 1997. According to IPTF, the main obstacle to restructuring has been disputes concerning the ethnic composition of each cantonal police force.

2. Republika Srpska

50. According to the IPTF restructuring plan for the Republika Srpska, the number of policemen in the entity should be reduced to some 8,500. The present number is not known, with estimates varying from 10,000 to as many as 50,000 officers. The uncertainty is compounded by difficulties in distinguishing between the army and police forces. The RS agreed in principle in September 1996, at the Dublin Conference, to a restructuring of its police forces. However, owing to obstruction by the then Minister of the Interior in

early 1997, no final agreement with IPTF had been reached at the time this report was written.

51. While concerned that no agreement has been concluded, the Special Rapporteur was encouraged to note that in Banja Luka, in late August 1997, some 800 policemen applied for participation in the public information campaign. As a result, at least part of the RS police force will acquire basic training and a better understanding of the role of police in society.

J. Freedom of expression

52. Violations of freedom of expression remain common throughout the territory of Bosnia and Herzegovina. Common violations against journalists include threats of suspension, confiscation of material and beatings by police, as well as obstructions to freedom of movement.

53. In many places, only publications presenting the political views of those holding local power are easily available. However, OSCE has established a press network aimed at opinion makers (non-governmental organizations, government officials and so on), which distributes some 17,000 copies of 28 different publications per month, between the entities. To reach the broader public, OSCE has also set up reading rooms in Banja Luka, Mostar and Bijeljina.

54. In the Republika Srpska the broadcast sector is mostly controlled by SDS supporters, while the few stations that try to remain independent are often subjected to pressure. Journalists of the television station in Banja Luka have recently sought to sever their broadcast operation from central RS television in Pale, but they have faced severe intimidation. There is, however, more pluralism in publications in the RS, with several independent magazines available, although they depend largely on aid from the international community.

55. In Croat-controlled areas of the Federation, particularly in the Herzegovina-Neretva region, the media - both print and broadcast - do not enjoy much independence, as they are closely connected to the HDZ. Diversity only comes from publications imported from Croatia. The other areas of the Federation, including Sarajevo, are characterized by the widest diversity. Nevertheless, this pluralism depends largely on assistance from the international community, with Studio 99, for instance, being supported by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

K. Missing persons

1. General

56. The exact number of persons missing as a result of the conflict in Bosnia and Herzegovina is unknown. The most reliable figures are those provided by ICRC, which are based on the number of tracing requests it has received. According to the most recent information obtained by the Special Rapporteur, the number amounts to 19,380 persons. Some governmental authorities, however,

estimate the number of missing to be closer to 30,000. According to ICRC, the number of clarified cases as of September 1997 was 1,133.

2. Exhumations

57. There are approximately 400 mass graves in Bosnia and Herzegovina, according to information provided by the International Tribunal for the Former Yugoslavia. The main obstacle regarding exhumations has been the lack of access by authorities of one entity to exhumation sites in territories controlled by the other. However, in late 1996 and spring 1997, mortal remains were collected jointly at four sites, two in the Federation and two in the RS. After that, no agreement has been reached concerning sites to be exhumed.

3. Detention issues

58. Allegations of "secret" or "hidden" detention continue to concern organizations dealing with missing persons. The Special Rapporteur is aware that in a vast majority of cases, the allegations are not well-founded and no evidence has been provided to substantiate claims that large numbers of missing persons are held in secret detention centres. However, the recent case (see paras. 39 and 40 above) of two Bosnian Serbs found secretly and illegally detained in Ženica prison illustrates the need for an effective mechanism to respond to such allegations.

4. Role of the Special Rapporteur

59. Upon termination of the mandate of Mr. Manfred Nowak, the expert on the special process dealing with the problem of missing persons in the territory of the former Yugoslavia, the Commission on Human Rights expanded the mandate of the Special Rapporteur to cover the issue of missing persons. In fulfilling that responsibility, the Special Rapporteur considers her role principally as that of an advocate on the issue of missing persons. During her missions to the region she has placed and continues to place particular attention on the problem. She is keeping in close contact with relatives and associations of relatives to try to obtain an understanding of their tremendously difficult situation. She also pays attention to the improvement of the legal, social and economic situation of the relatives of the missing, as she recognizes that they are in great need of material and psycho-social support.

5. National and international actors

60. The main responsibility for resolving the fates of missing persons lies with local authorities, mainly the three commissions: the State Commission of Bosnia and Herzegovina for the Tracing of Missing Persons, the Office for the Exchange of Prisoners and Missing Persons of the Croatian Side of the Federation of Bosnia and Herzegovina and the State Commission of the Republika Srpska for the Exchange of Prisoners of War and Missing Persons. They have a legal obligation to cooperate with other entity authorities, as well as with the

international organizations involved. The Special Rapporteur is deeply concerned with the uncooperative behaviour of national authorities and is appalled by the bargaining that takes place regarding exhumation sites and the exchange of bodies.

61. The ICRC-chaired Working Group on the process for tracing persons unaccounted for in connection with the conflict was created by the Dayton Agreement as the main mechanism to trace missing persons. Despite the commitments undertaken by the parties, however, only a small number of answers have been provided to tracing requests. This has resulted in frustration of family members as well as other participants and observers in the Working Group.

62. The Special Rapporteur or her representative has participated regularly in meetings of the Expert Group on Exhumations and Missing Persons of the Office of the High Representative. Under the auspices of the Expert Group, all the actors involved - the Office of the High Representative, ICRC, the United Nations, SFOR and others - have shared information on their activities.

63. The work of the United Nations International Tribunal for the Former Yugoslavia in conducting exhumations has been fairly successful. It has been assisted by the United Nations Mine Action Centre, as well as by IPTF, which has helped to ensure that exhumations were conducted in a dignified manner.

64. The International Commission on Missing Persons, to which the Special Rapporteur is an advisor, held meetings in Zagreb on 21 March and Belgrade on 20 June 1997. The Commission aims at using its collective political influence to help resolve the problem of missing persons and also supports different projects in Bosnia and Herzegovina. It has asked Governments to appoint high-level representatives to participate in its work; however, so far the appointed representatives have not participated.

65. The pilot project of identification carried out by the Governments of Finland and the Netherlands in 1996, following the intervention of the Special Rapporteur, continued in 1997 in the form of providing training and advice to local forensic teams, in coordination with Physicians for Human Rights.

L. Conclusions and recommendations

66. Mines continue to kill and maim the people of Bosnia and Herzegovina. The demining process has been too slow and is hampered by serious shortages of funding. The right to life in Bosnia and Herzegovina is also seriously endangered for other reasons, including pronouncement of the death sentence. The Special Rapporteur recommends:

(a) That the demining process accelerate and become a part of the planning process in return projects and that mine information campaigns, specifically designed to different target groups, like children and returnees, receive additional support;

(b) That the relevant authorities in the RS and the Federation undertake without delay legislative measures to eliminate provisions of the criminal codes providing for pronunciation and application of the death sentence;

(c) That the relevant judicial authorities repeal all death sentences pronounced in the RS and the Federation.

67. Reports continue to reveal cases of police involvement in beatings and harassment of the public. Illegal arrests and detention continue to occur. The disrespect shown by authorities from all political groups for the so-called "Rules of the Road", governing arrests of suspected war criminals, is seriously hampering the implementation of the Dayton Agreement. The Special Rapporteur recommends:

(a) That the relevant authorities comply with recommendations made by IPTF and, in particular, that prosecutorial offices and the courts carry out their duty to prosecute and try police officials who, after impartial investigation, are believed to be responsible for abuses;

(b) That the Security Council consider further strengthening of the IPTF mandate, to expand its authority to impose sanctions for non-compliance with IPTF recommendations;

(c) That the relevant authorities comply with the rules agreed upon in the Rome Agreement, the so-called "Rules of the Road";

(d) That every individual detained without legal grounds be released immediately.

68. The right to a fair trial has not been satisfactorily observed and implemented in Bosnia and Herzegovina. Numerous cases reveal a disregard of the right to an adequate defence. The Special Rapporteur recommends that the relevant authorities comply with recommendations concerning trials where international observers have concluded that the rights of the defendant(s) were violated and that retrials be ordered where appropriate.

69. Perpetrators of war crimes must be brought to justice. At present a large number of war criminals enjoy impunity; a number of them also hold positions of power. The operation by SFOR in Prijedor in July 1997 to arrest war crime suspects was a positive sign. The resolution of the issue is crucial for reconciliation and democratization to take place. The Special Rapporteur recommends:

(a) That the relevant authorities in both entities ensure that those indicted for war crimes by the International Tribunal, in particular those belonging to their own ethnic group, be arrested and extradited to The Hague;

(b) That SFOR, acting in accordance with its mandate, intensify its efforts to apprehend those indicted.

70. Although some improvements have been noted concerning respect for freedom of movement, serious restrictions remain. People are afraid to cross the

Inter-Entity Boundary Line and local police, particularly in the RS, use various methods to prevent people's free movement. The Special Rapporteur recommends:

(a) That the relevant authorities in both entities cease all practices that limit freedom of movement, such as the imposition of illegal fees or taxes, illegal requests for visas and other documents and arbitrary arrests;

(b) That the relevant authorities in both entities adopt a uniform car registration system for use throughout the country, as stipulated in the Sintra Declaration.

71. The right to return has been implemented by the parties only slowly and returns have been principally to areas where returnees come from the same national group as the local majority. Obstacles to return have included both acts of violence against returnees and their properties, as well as administrative measures such as illegal demands for visas and taxes. The Special Rapporteur recommends:

(a) That the relevant authorities in both entities abide by their obligations under the Dayton Agreement to facilitate returns on as large a scale as possible;

(b) That international agencies persevere with their programmes to facilitate returns, such as the UNHCR Open City project, which are starting to bear positive results;

(c) That international donors make financial aid conditional on the implementation of minority returns;

(d) That countries that are hosting refugees from Bosnia and Herzegovina should, in accordance with UNHCR's recommendations, not pursue forced repatriation at the present time.

72. Legal regulations affecting occupancy rights and the right to private property are among the main factors preventing return of refugees and the displaced. The Special Rapporteur recommends that the relevant authorities in both entities amend their property laws as proposed by the Office of the High Representative to enable pre-war occupants to reclaim their properties.

73. Freedom of expression is seriously restricted in Bosnia and Herzegovina. All main electronic media are under the control of the main political parties. The situation is particularly serious in the RS and in Federation territory controlled by the Bosnian Croats. The recent declarations of State-television employees in Banja Luka show that journalists are aware of the need for objectivity in their work. The Special Rapporteur recommends:

(a) That the relevant authorities in both entities put an end to various forms of pressure exerted on media and that they take steps to promote pluralism and independent voices in the channels of public communication;

(b) That the relevant authorities in both entities broaden telecommunications links between the entities and take other measures to increase inter-entity exchange of information.

74. The parties have failed to respect their obligations to take all possible measures to resolve the fate of the missing. Resolving the fate of missing persons is of paramount importance for the process of reconciliation. Efforts have to be strengthened to verify allegations of "secret" detention throughout the country, which may lead to discovery of "missing" persons. The Special Rapporteur recommends:

(a) That the relevant authorities in both entities adopt an approach to the issue of missing persons based on cooperation with authorities of the other entity or other national backgrounds;

(b) That the international community provide more support, both financial and in the form of expertise and equipment, to conduct exhumations and identifications;

(c) That international agencies establish an efficient and transparent mechanism to respond systematically to allegations of "secret" detention and that the relevant authorities in both entities establish strict control of the prisons.

75. There have been positive developments in the cantons of the Federation regarding police restructuring. In the RS an agreement on the restructuring of the police has not been reached. The Special Rapporteur recommends:

(a) That the relevant authorities in the cantons in the Federation where outstanding issues remain resolve them promptly in order for a restructured police force to start functioning efficiently;

(b) That the relevant authorities in the RS enter into a restructuring agreement with IPTF without further delay.

76. The Human Rights Ombudsperson, the Human Rights Chamber, the Commission for Real Property Claims and the Federation Ombudsmen play a key role in addressing violations of human rights and furthering the rule of law in Bosnia and Herzegovina. Their success is critical for the peace process to move forward. These institutions must receive a strong commitment from the international community for continued and stable support. The Special Rapporteur recommends:

(a) That the relevant authorities in both entities offer their full and unequivocal support to the human rights institutions and comply fully with their findings and recommendations;

(b) That the authorities in the RS consider the establishment of an ombudsman's office for that entity.

III. CROATIA

77. The present discussion is based on information compiled from a variety of sources by the Special Rapporteur and the Zagreb and Vukovar offices of the High Commissioner for Human Rights. It takes into account documents and materials provided by the Government of Croatia, including an aide-mémoire of 13 August 1997 prepared by the Ministry of Foreign Affairs. Major human rights concerns related to the region of Eastern Slavonia, Baranja and Western Sirmium, still under United Nations administration at the time of writing, have been incorporated. Additional information has been provided by international and local non-governmental human rights organizations active in Croatia. Local non-governmental organizations that have been especially helpful include the Croatian Helsinki Committee for Human Rights, the Anti-War Campaign, the Serb Democratic Forum, the Dalmatian Committee for Solidarity, HOMO, the Committee for Human Rights in Zagreb, Pakrac and Karlovac, Otvorene Oči (Open Eyes), Papa Giovanni XXIII and the Civic Committee for Human Rights.

A. Legal protections

1. Provisions of the Croatian Constitution

78. The Constitution of the Republic of Croatia, adopted in December 1990, declares that "freedom, equal rights, national equality, love of peace, social justice, respect for human rights, inviolability of ownership, conservation of nature and the human environment, the rule of law and a democratic multi-party system are the highest values of the constitutional order of the Republic of Croatia" (art. 3). In addition, article 15 guarantees that members of all nations and minorities shall have equal rights in Croatia and that they will be "guaranteed freedom to express their nationality, freedom to use their language and script and cultural autonomy".

79. In December 1991, the Parliament of the Republic of Croatia adopted the Constitutional Law of Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia. The law (including March 1992 amendments) provided for the proportional representation of minorities in Government and a special status for districts with a Serb majority. In September 1995, however, several articles of the Law were suspended by Parliament in the wake of Croatia's military operations to regain control of formerly Serb-controlled areas of its territory, known as United Nations protected areas. The adoption of the special Constitutional Law was seen as one of the primary conditions for international recognition of Croatia. The decision to suspend key provisions cast doubt on the extent of protection that would be accorded to minorities in Croatia and, in particular, to Croatian Serbs.

2. Human rights treaty obligations

80. Croatia is a State party to some 36 international human rights instruments. Croatia was admitted as a member of the Council of Europe in November 1996 and the Government signed the European Convention for the Protection of Human Rights

and Fundamental Freedoms and its Protocols, accepting the competence of the European Commission and the European Court of Human Rights. Croatia has also signed the Framework Convention for the Protection of National Minorities.

3. National institutions

Ombudsman

81. The institution of the Ombudsman was established in Croatia in 1992. The Constitution provides for an Ombudsman "who shall be a commissioner of the Croatian Sabor (Parliament) and shall protect the constitutional and legal rights of citizens in proceedings before government administration and bodies vested with public powers". The office of the Ombudsman, in particular since the appointment of Mr. Ante Klarić in 1996, has proved to be an important institution, although further improvements are needed. The present Ombudsman has enhanced considerably the image of the institution and established a solid network with most government bodies as well as national non-governmental organizations.

82. In a meeting with the Ombudsman in June 1997, the Special Rapporteur expressed particular appreciation for his report, submitted to the Government on 7 April 1997, on the situation of human rights in the areas of Knin and Donji Lapac in the former Sector South. The report concluded that security conditions, regarding both the safety of citizens and property, were unsatisfactory, and that a large number of Croatian Serbs were unable to regain access to their properties confiscated on the basis of the Law on the Temporary Takeover and Administration of Specific Properties. In his report the Ombudsman appealed for greater security in the former Sectors and a revision of the property law.

Constitutional Court

83. The Constitutional Court was established on 5 December 1991. It consists of 11 judges elected by the Parliament's House of Representatives, at the recommendation of the House of Counties, for terms of eight years. The competence of the Court, according to article 125 of the Constitution, includes decisions on the conformity of laws with the Constitution and the protection of constitutional freedoms and the rights of man and citizen.

84. The Constitutional Court has made numerous important rulings affecting human rights, including decisions on the acquisition of Croatian citizenship, evictions conducted by military and war veterans and freedom of the press. The Court has also overturned many decisions, such as those affecting the appointment of judges by the Supreme Court and the Media Law of 1992, and thus has become an important counterbalance to the executive and legislative powers. Although there is general satisfaction with this institution, concern has been expressed over proposed changes to the procedure for the appointment of the President of the Court and initiatives to limit the Court's activity and autonomy. The Special Rapporteur believes that these initiatives could seriously undermine the Court's independence, which until now has been a positive factor in Croatia.

Governmental Office for Ethnic and National Minorities

85. The Governmental Office for Ethnic and National Minorities was established in 1991 to facilitate development of government policy and help promote harmonious inter-ethnic relations in Croatia. Although the Office was meant to strengthen tolerance and mutual understanding, especially among elementary schoolchildren, it remains without a strong public presence. Field staff of the High Commissioner for Human Rights have met with staff of the Office to discuss ways in which the institution could involve itself more in policy and legislative review to strengthen mechanisms to protect minority rights.

B. Right to security of person and property

1. Right to life

86. Although killings in the former sectors have significantly decreased since issuance of her last report, the Special Rapporteur has received continuing reports of the use of explosive devices and other acts causing death and serious injury. On 8 April 1997, a returnee from Yugoslavia, aged 38 years, died from injuries caused when a concealed device exploded in front of his house in Srednja Gora, in the former Sector South. On the night of 24 April two elderly Croatian Serbs were shot and killed by an unidentified perpetrator who broke into a house in Veliki Grdjevac, in the former Sector West. In another case in April, in Katinac, a person was killed and buried in farm humus by ethnic Croats from Kosovo, Yugoslavia. Field staff of the High Commissioner for Human Rights were informed by local police that the perpetrator had been identified and was now in custody.

87. The responsibility of the Government in these cases lies largely in the effectiveness of police measures taken to resolve these tragic incidents and prevent such acts in the future. Effective responses by police, particularly in the former Sector West, must be acknowledged in some cases. For example, on 8 July 1997, an explosive device was thrown into a restaurant of a displaced Croat who had rented the premises from a local Serb in Cage, near Okučani. The perpetrators were apprehended by police and confessed to having planted seven other explosive devices. They have been imprisoned at the Požega investigative prison to await court proceedings.

88. It should be noted that unmarked landmines - a legacy of the hostilities of 1991-1995 - continue to inflict suffering on innocent civilians, particularly in rural areas. Nearly 11 per cent of Croatian territory is strewn with an estimated 2 to 3 million mines. Between 8 and 12 per cent of all cultivable land in the country is inaccessible because of mines. From 1991 to 1995, some 400 civilians were killed by mines and more than 1,000 wounded. According to UNICEF, at least 76 children were killed and 130 wounded in the 12-month period from March 1993 to March 1994. Consequently, mine clearance - a slow and painstaking process - has become a top priority of the Government of Croatia.

2. Right to personal security

89. In spite of efforts reported by the authorities to deploy larger police patrols, the security situation in the former sectors remains unsatisfactory and looting has continued on a large scale. In April 1997 in Kistanje, in the former Sector South, widespread looting was reported to have been carried out by resettled ethnic Croats from Kosovo. In Benkovac and Gracac disturbing trends were observed at about the same time, including escalating harassment and violent assaults committed against local Croatian Serbs, many of whom are elderly.

90. In the former Sector West, although the security situation has somewhat improved, some abuses against Croatian Serbs continue to be reported. The Special Rapporteur, in a letter of 7 April 1997 to the Government, expressed concern over incidents of 14 March in which three persons had been badly beaten and other Serb citizens attacked and harassed in Okučani. She was later pleased to learn that the suspected perpetrators had been arrested and charged after a police investigation.

91. In the former Sector North, because of an influx of returnees from the region of Eastern Slavonia, it is feared that the security situation could deteriorate. On the night of 23 April in the village of Kotarani, three armed men threatened an 80-year-old Serb remainee and looted possessions she had received as humanitarian aid. On 20 May, an elderly man was severely injured in Blinjska Greda in an assault by four unidentified men. He died later in the Sišak hospital. Investigations into the alleged perpetrators are still pending.

3. Right to property

92. The issue of Croatian Serbs' property affected by the Law on the Temporary Takeover and Administration of Specified Property remains a serious cause for concern. The law applied to houses and other property in the former sectors that belonged to persons who left Croatia after 17 August 1990 or who stayed in Serb-controlled areas of the country. It also applied to unoccupied property anywhere in Croatia owned by citizens of Yugoslavia.

93. Thousands of Croatian Serbs who applied within the time limit established for return to Croatia in order to reclaim confiscated properties have faced various obstacles to actual return, or have had their entry obstructed at the Croatian border. Many Croatian Serb refugees were thus unable to reclaim their properties in the allotted time. Although local municipalities were entrusted with creating property claim commissions, their role has remained ineffective. By March 1997 not a single case brought before these commissions had resulted in a Serb owner regaining possession of a property.

94. The property law placed abandoned properties under State administration, and many houses were given over to newly arrived Croat settlers. Although Croatian Serbs can seek redress through the legal system, it has been almost impossible for the great majority to regain access to their properties. In some cases, Croatian Serb refugees reportedly have been compelled to pay up to DM 5,000 to temporary occupants of their properties before regaining possession.

C. The right to return

95. The question of return continues to be a contentious issue in Croatia. The authorities have encouraged the immigration of some 180,000 Bosnian and Kosovo Croats, while another 80,000 ethnic Croats are expected to arrive from Germany. It will be recalled that as many as 200,000 Croatian Serbs fled to Yugoslavia and Bosnia and Herzegovina after Croatia's military actions in the former Sectors West, North and South in 1995.

96. The Special Rapporteur has learned about several violent incidents affecting Croatian Serb returnees. For example, on 27 February 1997 in Vojnic, former Sector North, some 100-150 Croats from Bosnia and Herzegovina gathered to demonstrate following a rumour of the arrival of several bus-loads of Croatian Serb returnees. The demonstration was followed by bomb attacks and anti-Serb graffiti, such as "Death to the Serbs" and "Serbs Out", placed on at least 11 buildings. On 13 May, a serious incident occurred in Hrvatska Kostajnica, former Sector North. It was sparked by the voluntary return of 9 displaced persons from the region of Eastern Slavonia, provoking some 150 ethnic Croat settlers from Bosnia and Herzegovina to riot. Armed with stones and wooden sticks, they attacked and beat the returnees, destroyed their homes and ransacked their personal possessions. The Government attributed this incident to the "spontaneity" of the return, which had occurred outside the framework of an agreement for organized returns signed by the Government with UNTAES and UNHCR on 23 April (see below, paras. 123-125).

97. The Special Rapporteur is concerned about restrictive conditions sometimes imposed on return to the country by Croatian Serb refugees in possession of valid Croatian citizenship certificates, the domovnica. Many refugees who intend to repatriate to Croatia from Belgrade with the help of UNHCR, or who spontaneously return on the basis of a domovnica, are no longer able to cross the border without first obtaining additional travel documents from the Croatian embassy abroad. However, there is no established procedure for Croatian citizens to obtain valid passports or travel documents from Croatian embassies in neighbouring countries.

98. The UNHCR/ICRC programme for extremely vulnerable individuals has facilitated the return of only a small number of refugees from Yugoslavia to reunite with their families in Croatia. As at 6 August, only 172 of the 1,376 potential returnees whose applications had been submitted by UNHCR for Croatian approval had been cleared for return. Furthermore, as of August 1997 the Government Office for Displaced Persons and Refugees had issued no clearances for extremely vulnerable individuals for several months.

D. Administration of justice

1. The courts

99. Several articles of the Croatian Constitution establish that the judicial power shall be autonomous and independent. The Special Rapporteur has received information, however, on a lack of effective guarantees for an independent judiciary, and on improper pressures exerted for the appointment or dismissal of

judges. In a letter of 14 March to the Minister of Foreign Affairs, the Special Rapporteur noted that although Croatian law normally provides for lifetime judgeships, many judges have been relieved of their posts by decisions of the High Judicial Council, allegedly on account of their national origin or political views. The dismissal of nine highly experienced public prosecutors, allegedly because of their ethnicity, in April cast further doubt on the independence of the justice system.

2. Detention and the Law on General Amnesty

100. As observed in previous reports of the Special Rapporteur, the adoption of a Law on General Amnesty on 25 September 1996 was a positive, confidence-building step both for the return of Croatian Serb refugees and for the peaceful reintegration of the Eastern Slavonia region into the rest of Croatia. The legislation applies to persons accused or sentenced for criminal acts committed in connection with aggression, rebellion or armed conflict between 17 August 1990 and 23 August 1996. Criminal investigation or proceedings related to such acts were to be nullified and any detained persons to whom the amnesty applied were to be released. The legislation exempted from its coverage alleged perpetrators of war crimes.

101. The Special Rapporteur has expressed deep concern regarding war crimes trials in which, despite a lack of credible evidence, defendants have been convicted. In one case, a Croatian citizen from the Baranja region, Milos Horvat, was extradited from Germany and stood trial for war crimes in June 1997. After an exceedingly short trial, the jury found Mr. Horvat guilty of genocide, mostly on the basis of his association with the Territorial Defence Headquarters of his village, a body that was said to have engineered massive Croat displacements. He was sentenced to five years in prison. It was the widely held opinion of trial monitors that the evidence submitted by the prosecution was insufficient for a guilty verdict, let alone on a charge as serious as genocide. In particular, Mr. Horvat's association with the Territorial Defence Headquarters was alleged to be slim. The legal definition for the term "genocide" relied upon by the prosecution was also the subject of controversy. If, on appeal, the Supreme Court upholds the verdict, it would set a disturbing precedent, whereby all Serbs associated with the Territorial Defence Headquarters would be liable to prosecution for genocide.

102. ICRC continues to make regular visits to some 79 persons detained in relation to the conflict in Croatia. Among 18 prisoners of war previously held in various detention centres, 17 have now been released and were transferred between April and July 1997 to the Republika Srpska, Bosnia and Herzegovina.

3. Cooperation with the International Tribunal

103. According to the Office of the Prosecutor, Croatia's cooperation with the International Tribunal for the Former Yugoslavia has left much to be desired and has produced little of substance. While Croatia repeatedly asserts its willingness to provide assistance, the Prosecutor's office has reportedly encountered delay in many aspects of its engagement with relevant authorities,

despite the appointment of the head of the Government Office for Cooperation with the Tribunal. The Government continues to criticize the Tribunal for allegedly blaming all sides equally. The former Croatian President of the Presidency of the Socialist Federal Republic of Yugoslavia was widely condemned in the Croatian media as a "traitor" after he provided testimony to the Tribunal concerning Croatia's involvement in the conflict in Bosnia and Herzegovina.

104. In recent months, attention has focused on the subpoena duces tecum addressed to the Government of Croatia to obtain documents deemed necessary for the prosecution of former Bosnian Croat General Tihomir Blaskic. The Government appealed against the Trial Chamber's decision on that issue, stating that an order compelling the Government to produce evidence amounted to a violation of State sovereignty.

105. The Government remains under pressure to fulfil all its obligations under the Dayton Agreement, in particular with regard to the extradition of indicted war criminals. The authorities had declared that they knew of no indicted war criminals on Croatian territory and that those found would be extradited. In August 1997 one such suspect, Pero Skopljak, indicted for crimes committed in the village of Ahmici, Bosnia and Herzegovina, was arrested in Samobor and was detained in Croatia in September 1997.

E. Religion

106. The Constitution guarantees freedom of conscience and religion. The Special Rapporteur has expressed her belief in the central importance of promoting religious tolerance in meetings in 1997 with the Catholic Archbishop and the Serb Orthodox Archbishop in Zagreb. She also emphasized this point in a meeting in Okučani, former Sector West, with a Catholic parish priest, who is a Bosnian Croat refugee, and who has faced severe criticism from indigenous local Croats for allegedly spreading a message of intolerance.

107. The Special Rapporteur has been concerned over acts of vandalism against religious sites in Croatia. A Catholic church in Ilok was the target of a bomb attack on 14 January. On 25 January, in Knin, some unidentified persons broke into and damaged the recently renovated Orthodox church. On 1 May, fascist graffiti was discovered at a Jewish cemetery in Karlovac. The Special Rapporteur has also learned of discriminatory treatment against members of the Islamic community who apply for Croatian citizenship and disregard for their religious convictions and practices during service in the Croatian army.

108. The Deputy Prime Minister and the President of the State Commission for Relations with Religious Communities have emphasized that Croatia fully supports religious freedoms and protects religious sites and property. A positive development occurred on 15 August, when some missing monastery icons from Ilok were handed over to the Catholic Bishop of Djakovo.

F. Missing persons

109. The Special Rapporteur, whose mandate was expanded this year to include the issue, has made clear on numerous occasions that resolution of the fate of the missing is one of her primary concerns. She has regularly met with relatives and associations of missing persons as well as with Government officials and international organizations involved in the issue.

110. According to government figures, 2,242 persons are registered as having gone missing in Croatia during the conflict. A total of 1,346 bodies have been exhumed from mass graves in the former sectors, of which 1,075 have been identified (670 males and 405 females).

111. The Government Commission for Detained and Missing Persons and Yugoslavia's Commission for Humanitarian Issues and Imprisoned Persons met in March 1997 to accelerate resolution of cases of those who are missing, abducted or detained. A key outcome of the meeting was to have been an increased number of "identification protocols" - or autopsy reports - on both identified and unidentified people killed in the Vukovar area in 1991, along with access to medical records in the hospital at Vukovar.

112. On 18 June, the two Commissions met in Zagreb to exchange more information and medical records. The Croatian side - which so far has received only half of a total of 1,150 medical records from Yugoslavia - expressed concern about the procedures established for receiving the records. However, hopes remain for ultimately determining the fate of the missing since the search process, which had been blocked for over four years, is finally under way. The Government Commission has indicated that 11 mass graves have been located in the region of Eastern Slavonia, the largest being Ovcara with some 200 mortal remains and Lovas with 68. A further six mass graves have been located in Banovina and Western Slavonia in which remains of several hundred people were found.

G. Freedom of expression and association

113. Questions related to media freedom continue to cause concern despite important laws protecting free expression. The electronic media outlet with the most important influence on public opinion in Croatia is State-owned Hrvatska Radio Television, which is the only radio and television enterprise broadcasting nationally. According to a survey by the Open Society Institute office in Croatia, nearly 55 per cent of the population views the main evening news programme on Hrvatska Radio Television, while political opinions of some 84 per cent of the viewers are influenced by the programme, which is "tightly controlled" by the ruling Croatian Democratic Union (HDZ).

114. The print media - comprising some 820 newspapers and journals, according to the Croatian Telecommunications Council - is more varied. Many periodicals are privately owned. However, it has been alleged that the Government has attempted to silence its critics by levying exceedingly high taxes in some cases, for example, against the daily Novi List.

115. On 17 June, the election-observer mission of the Organization for Security and Cooperation in Europe (OSCE), comprising nearly 100 observers, reported that the presidential election of 15 June, in which more than 61 per cent of the vote was won by President Franjo Tudjman, "may have been free but not fair", and did not meet minimum democratic standards because State media - particularly television - showed favouritism toward the HDZ.

116. The Special Rapporteur wishes to reiterate her concern about continuing publication of materials advocating nationality-based hatred, contravening article 39 of the Croatian Constitution and international law. Materials appearing in the weeklies Hrvatsko Slovo and Hrvatski Vjesnik have raised questions.

117. The Constitution guarantees to all citizens freedom of association and assembly. However, under the new Law on Association, which came into force on 15 July, the work of persons involved with non-governmental organizations could be jeopardized. The law contains regulations that appear to give arbitrary decision-making powers to registration bodies to decide on the future of non-governmental organizations and in some cases to disband them.

118. In addition, the Special Rapporteur notes with concern that the draft Law on Public Gatherings, expected to be adopted soon, would impose restrictive conditions on public gatherings and protests. Applications for permission to hold such events would have to be made 10 days in advance, restricting spontaneity. They would have to include a ground plan of the area in which the event was proposed to take place and only certain locations for public gatherings would be permitted. Additionally, gatherings could be prohibited if they were considered to endanger the legal order or violate decency.

H. Report on the region of Eastern Slavonia, Baranja and Western Sirmium

119. On 14 July 1997, the United Nations Security Council adopted resolution 1120 (1997), extending the mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) until 15 January 1998. The following discussion, based on information gathered by the Special Rapporteur from her three visits to the region of Eastern Slavonia, Baranja and Western Sirmium in 1997 and assistance provided by the Vukovar office of the High Commissioner for Human Rights (which has recently been integrated into UNTAES) considers some of the most pressing issues presently affecting the region.

1. Elections

120. On 13 April, elections were held in the whole territory of Croatia including, for the first time since 1990, the region. Despite several technical difficulties, which resulted in a one-and-a-half day extension of the voting period, UNTAES certified the elections as free and fair. There was a high level of voter participation, raising hopes that the future of the region would be based on democratic participation. The successful holding of the elections was an essential step for further progress in the region's peaceful reintegration

and the legitimate representation of the local population in the Croatian legal system. While local Serbs have demonstrated a general willingness and determination to assume their rights and responsibilities as Croatian citizens, however, deep apprehensions also remain.

121. A positive aspect of the election process was the considerable rise in the number of applications for and issuances of Croatian documents. During the weeks before the elections, 26 UNTAES documentation centres distributed citizenship documents. Since then, the number has been reduced to 10. Despite this post-election drop, however, the Special Rapporteur is encouraged to see that a high number of applications continue to be lodged each day.

2. Personal security

122. The security situation in the region remains of concern in view of continuing reports of harassment of displaced Serbs. Croatian members of the Transitional Police Force have, in some instances, colluded or actively participated in this harassment, although some corrective actions, including even dismissals, have been taken. As noted elsewhere in this report, there have also been instances of attacks on Croatian Serb displaced persons who have returned to other parts of Croatia permanently or for a visit and of failures in some cases of the Croatian police even to attempt to apprehend the perpetrators. Such incidents have caused concern among Croatian Serb residents of the region who are considering returning to their homes elsewhere in Croatia and are discouraged by fear for their safety.

3. Return of displaced persons

123. The Joint Working Group on Returns, established on 23 April 1997, is composed of the Government of Croatia, UNTAES and UNHCR. It established mechanisms, known as the Joint Operational Procedures for Return, for registering and processing all requests for return into and out of the region; disseminating information on the return process; and providing equal access for safe return and property reconstruction. The agreement stipulates that all Croatian citizens with identification cards and displaced persons willing to return to their homes should register with the Office for Displaced Persons and Refugees.

124. Since the creation of the Joint Working Group, six new local offices of the Office for Displaced Persons and Refugees became operational in the Eastern Slavonia region. Tensions have continued between the region's original inhabitants and Serb displaced persons from other areas now living in the region, despite repeated assurances from Croatian authorities that the rights of Serbs would be respected. The return of displaced Serbs now living in Croat houses in the region is seen as a precondition for the return to the region of Croat displaced persons. According to UNHCR, as at 17 July, 7,655 families representing a total of 22,071 persons in the region had registered with the Office for Displaced Persons and Refugees and more than 50 per cent have expressed their wish to return home elsewhere in Croatia. Five months after the creation of the Joint Working Group, 912 "organized returns" of persons with

official certificates for return had been conducted from the Eastern Slavonia region to other parts of Croatia, while an estimated 6,000 to 7,000 persons had returned spontaneously without such certificates.

125. According to the Government's aide-mémoire of 13 August 1997, on the issue of Croat displaced persons, a total of 4,788 requests for return to the Eastern Slavonia region, affecting 42,325 persons, have been filed with the Office for Displaced Persons and Refugees. At the end of July 1997, a total of 545 families comprising 1,439 persons had received certificates for return. However, actual returns are proceeding very slowly. The authorities maintain that additional international aid for reconstruction of houses and economical revival is needed to expedite returns.

4. Discrimination

126. Discrimination against ethnic Serbs by Croatian authorities occurs in various ways, manifesting itself in the areas of employment, education, and pensions and health care, among others. Ethnic Serbs in the Transitional Police Force have complained that they have been demoted, transferred or simply ignored because of their national origin. There is also evidence of discrimination against teachers. Although some dismissed Serb teachers may not have fulfilled the criteria for appointment to a teaching post, cases have been reported of highly qualified teachers who have nonetheless been terminated. The Special Rapporteur is also concerned about the plight of members of families of mixed origin who have long resided in the region and remained there during the war. It has been brought to her attention that this group of people is not being duly represented in negotiations for the reintegration of the public sector, which concentrate mainly on the "pure ethnic groups".

5. Amnesty and cooperation with the International Tribunal

127. The application of the September 1996 Law on General Amnesty continues to cause controversy in the region. For example, amnestied persons have not yet been cleared from police records, which creates difficulties in travel, as those with criminal records are apprehended when they attempt to cross into Croatia proper.

128. In June, the Croatian Ministry of Justice announced that it would carry out, in conjunction with Serb representatives from Eastern Slavonia, an investigation into 146 suspected war criminals. Although a formal agreement to that end has not been drawn up, one option under discussion is the possibility that the suspected war criminals, as well as the 25 persons already sentenced for war crimes committed in Eastern Slavonia, will be provided with access to both prosecution and defence dossiers in order to review the charges and present their defence within the region.

129. The Government's "final" list of 150 suspected war criminals, however, has not had the effect for which it was intended, that is, building confidence among the Serb population. People remain uncertain as to the exact content and real meaning of the list. According to UNTAES statements, all those not on the list

should consider themselves immune from future prosecutions for war-related crimes. In recent comments, however, a senior official of the Government of Croatia stated that such a list did not even exist and that a public statement to that effect would be made shortly.

130. On 27 June the former Mayor of Vukovar, Slavko Dokmanović, was detained by UNTAES, apprehended by agents of the International Tribunal, and immediately transferred to The Hague. Mr. Dokmanović was the subject of a sealed indictment for involvement in the 1991 Ovčara massacre, in which some 260 civilians lost their lives.

6. Right to a nationality

131. Although the majority of people in the region have received Croatian citizenship and identity documents, some cases of difficulty in obtaining them or outright denials have been brought to the attention of UNTAES. A number of rejections of passport applications were reversed after appeals to the Croatian Ministry of the Interior. According to the non-governmental organization Civil Rights Project, however, some 400 appeals against passport denials on grounds that include pending criminal charges and debt remain to be processed. In several recorded instances, the denials were based on articles of the Croatian Penal Code covered by the 1996 Law on General Amnesty. The practice of verbal denials and other denials given without explanation appears to be continuing.

7. Process of reintegration

132. Although Croatian legislation regarding reintegration of the local judiciary officially took effect on 1 June, reintegration has not been accomplished. Two major impediments still exist. The first regards the appointment of judges, as the ethnic representation was unsatisfactory to the Serb side. Concerns have been expressed about the need to appoint judges from the region in proportion to their ethnic group's representation in the population. In addition, the high fees (DM 10,000) required for all lawyers to rejoin the Croatian bar pose special hardships for lawyers from the region.

133. The second impediment concerns the Law on Validation of documents and decisions issued by the former so-called Republika Srpska Krajina courts, which is currently being debated in the Parliament. It has been reported that the Parliament proposes to render all decisions and documents null and void, with the caveat that they could be validated through the Croatian courts. The Special Rapporteur believes, however, that the opposite approach should be taken, that is, that all such decisions and documents should be validated and subjected to judicial review only if they are deemed to be manifestly ill-founded.

134. Reconstruction efforts in the region are fully under way, with priority being placed on the reconstruction of housing units in Vukovar and Borovo Naselje, as well as on rebuilding damaged communal buildings, such as schools and health centres. The Croatian currency, the kuna, has now been officially introduced and is in wide circulation. Some public companies in the region have

been reintegrated with their Croatian counterparts, absorbing current employees. The electricity, post and telecommunication systems in the region have also been integrated. Among the main obstacles for the finalization of reintegration are employment contracts and political appointments to ensure adequate ethnic representation.

I. Conclusions and recommendations

135. The security situation in the former Sectors North, South and West remains unstable and acts of looting, harassment, discrimination and killings, sometimes by explosive devices, continue to be reported. The ongoing violence remains one of the main impediments to the return of Croatian Serb refugees and displaced persons. Although the Croatian police presence appears to have been increased, its effectiveness varies considerably, with units in some districts reacting promptly to criminal activity while others do not. The situation is aggravated by difficult economic circumstances for all residents but, in particular, for Croatian Serbs, who are often the victim of discriminatory practices.

136. The Special Rapporteur recommends that Croatia increase its police activity further in the former sectors, since measures taken to date have not yet succeeded in restoring an environment of law and order. She furthermore recommends that the Government take affirmative steps to ensure that reconstruction and employment opportunities benefit Croats and Serbs equally. International donors should continue to insist on good-faith efforts by the Government of Croatia to improve the situation of all residents of the former sectors, including Croatian Serbs, as a condition for continuing international loans and credits.

137. Notwithstanding increased contacts between Croatia and the Federal Republic of Yugoslavia, and the Agreement on the Operational Procedures for Return, there has been minimal progress on returns. The UNHCR/ICRC return programme for extremely vulnerable individuals from the FRY has been virtually frozen by the Croatian authorities. The return of displaced Croats to the region of Eastern Slavonia can only occur as part of an integrated return programme which ensures also the ability of Serbs to return to their homes elsewhere in Croatia in safety and dignity.

138. Numerous claims remain unresolved and there is serious doubt as to the effectiveness of local housing commissions set up in the former Sectors to resolve disputes. Despite her previous recommendation, the Special Rapporteur notes that the authorities still have not suspended the Law on the Temporary Takeover and Administration of Specific Properties, which continues to result in properties of Croatian Serbs being handed over to newly resettling Croats.

139. The human rights climate in the former sectors and throughout Croatia has benefited from the good work of national and international non-governmental human rights organizations as well as recent initiatives of the Croatian Ombudsman. The Government should improve channels for dialogue with the organizations and should continue to pay close attention to their recommendations as independent observers.

140. The Special Rapporteur repeats her recommendation that the problem of missing persons be dealt with as a top priority, to avoid an impediment to the future coexistence of ethnic communities and for peaceful reintegration of Eastern Slavonia. Despite the establishment of bilateral commissions, little progress has been achieved. She strongly urges the full cooperation of both parties and intends to monitor closely new developments following excavation of mass graves.

141. Regarding freedom of the media, the Special Rapporteur has noted a disturbing trend regarding hate speech and recommends that effective measures, including legal action by the competent authorities, be taken to combat incitement to hatred. The Government should, moreover, show clearer support for social reconciliation in its statements made to the press and broadcast media.

142. In the region of Eastern Slavonia, Baranja and Western Sirmium, despite the admirable work of UNTAES and repeated declarations of good will, the Government of Croatia has not taken sufficient action to provide all of the region's residents with a strong sense of security and membership in Croatian society. The Government must take steps to ensure that persons coming to the region from Croatia, including members of the Transitional Police Force, respect the rights of local residents at all times.

143. In terms of the region's reintegration into Croatia, although some progress has been made, many obstacles remain. Discrimination against ethnic Serbs by Croatian officials must cease and legislation regarding the reintegration of the local judiciary must finally be implemented. The rights both of displaced Croats wishing to return to the region and of Serbs wishing to move back from the region to their former homes elsewhere in Croatia must be taken simultaneously into account.

144. With the UNTAES mandate possibly coming to an end on 15 January 1998, the Special Rapporteur believes that a continued international presence can play a constructive role in the re-establishment of civil society in the region. She urges that full consideration be given to the deployment of an international presence consistent with the terms of the Basic Agreement (A/50/757-S/1995/951, annex, para. 10), including participation of the High Commissioner for Human Rights, OSCE, the Council of Europe and other organizations.

145. Finally, the Special Rapporteur would like to note the technical cooperation project planned by the Office of the United Nations High Commissioner for Human Rights in consultation with the Government of Croatia. The Special Rapporteur believes that a project emphasizing human rights training for professionals involved in law enforcement and the rule of law, as well as universal human rights education and other activities, can be of great value to Croatia. She hopes that the project will be initiated at the earliest possible opportunity.

IV. YUGOSLAVIA

146. Since her appointment in September 1995 the Special Rapporteur has conducted 10 missions to Yugoslavia, three of them in 1997. Her visits have

included all parts of the country where human rights issues have been raised. Apart from visiting Belgrade, she has made regular visits to Montenegro, Kosovo, the Sandžak and Vojvodina. The Special Rapporteur has enjoyed full freedom of movement, and the Government has provided her with all necessary assistance in carrying out her visits.

A. General observations

147. As he neared the end of his term as President of Serbia, Mr. Slobodan Milošević was elected President of the Federal Republic of Yugoslavia (comprised of Serbia and Montenegro) and assumed his new office on 23 July 1997. Presidential and parliamentary elections for Serbia were set to take place on 21 September 1997. The opposition coalition, Zajedno, which last winter staged four months of peaceful protest in the country's major cities, compelling recognition of the true results of November 1996 municipal elections, had by then disintegrated. Montenegro was experiencing a political crisis resulting from mounting rivalry between President Bulatović and Prime Minister Djukanović and was to hold presidential elections on 5 October 1997.

148. In an inaugural speech after assuming his new post, President Milošević spoke of the blows that Yugoslav society had received in what he called the historical tempest during the six most difficult years since the Second World War. He observed that the economy was still not fully operational and referred to the "brutal sanctions of the international community". External factors such as sanctions have indeed had a major impact on Yugoslavia. However, the internal factors that have caused the current state of affairs are rarely examined openly, either by political office holders, members of the ruling parties or, for that matter, leaders of the opposition. The Special Rapporteur notes that there has been virtually no examination of the policies and practices during those six years, which have exacerbated ethnic divisions and conflict in the region and led to massive violations of human rights and humanitarian law, not to mention economic destruction.

B. Legal guarantees

149. At the international level, Yugoslavia is a party to all major human rights instruments. A welcome development was the Government's decision to join a small but growing number of countries that have accepted the competence of the Committee against Torture to hear individual complaints. So far, no such complaints are known to have been submitted by Yugoslav citizens.

150. In order to strengthen opportunities for individuals to enforce legally guaranteed human rights, the Special Rapporteur has repeatedly urged relevant ministers in Serbia, Montenegro and the Federal Republic as a whole to take steps to ratify the Optional Protocol to the International Covenant on Civil and Political Rights. However, the Federal Ministry of Foreign Affairs informed the Belgrade Office of the United Nations High Commissioner for Human Rights that the Government has no intention of ratifying the Optional Protocol at present. In contrast, the Government of the Republic of Montenegro has indicated an interest in ratification. The Constitution of that Republic contains a specific

provision, in article 44 (2), granting citizens the right to appeal to international institutions for the protection of freedoms and rights guaranteed under the Constitution. Of all the countries of the former Yugoslavia, the Federal Republic is the only one that has so far not accepted the competence of the Human Rights Committee to receive complaints from individuals under the Optional Protocol.

151. Since international standards are rarely applied in Yugoslav courts, it is all the more important that Yugoslav constitutional and legal guarantees fully meet international human rights standards. The important human rights provisions of the 1992 Federal Constitution largely meet the standards of the International Covenant on Civil and Political Rights. However, there are gaps and discrepancies that should be removed. For example, in contrast to article 9 (3) of the International Covenant, the Federal Constitution does not require that arrested persons be brought promptly before a judge, and laws permitting up to 72 hours in police custody without judicial supervision seem to fall short of the standards of the Covenant.

152. Important discrepancies continue to exist between domestic constitutional and legal mechanisms for human rights protection in Yugoslavia. First, three constitutions are currently in force in the Federal Republic, adopted at different times and containing different human rights provisions. The Government has advised the Special Rapporteur that there are no essential differences among the three constitutions and that the Constitution of the Federal Republic of Yugoslavia has to be applied throughout the entire territory of the country. However, one important example of a major difference between the constitutions concerns the right to life. As pointed out in a previous report,[4] the Federal Constitution does not provide for the death penalty. However, the Constitutions of Serbia and Montenegro, adopted in 1990 and 1992 respectively, as well as the current Penal Code, permit capital punishment for ordinary but serious crimes, including murder.

153. There are also discrepancies between the three constitutions and other laws. Despite long-standing promises by the Government, legal provisions in the Penal Code and the Code of Criminal Procedure have still not been harmonized with constitutional standards. An important example is the situation of persons held in police custody. An exceptional period of 72 hours in police custody is authorized by article 196 of the Code of Criminal Procedure during which suspects can be held without a judicial order or access to a lawyer. According to numerous reports received by the Special Rapporteur, police often abuse that period without judicial supervision to use illegal methods to extract information or "confessions". In contrast, the Federal Constitution (art. 23) provides for prompt access to a lawyer.

154. Admittedly, the process of harmonizing the various laws with constitutional requirements is complex and time-consuming. However, the Special Rapporteur believes that the process should be completed without delay. This is not only to bring clarity into a confusing situation, which one constitutional expert has described as "legal chaos"; the delay also has detrimental effects on the way in which human rights are protected in practice, since laws, rather than constitutional guarantees, are usually applied in court.

C. Institutional mechanisms

155. In contrast to other countries of the former Yugoslavia, the Federal Republic of Yugoslavia does not have an easily accessible, independent and impartial supervisory body such as an ombudsman from which citizens can obtain redress. There is a Parliamentary Committee on Internal Affairs, but it is not known to have taken up human rights cases. The Serbian and Montenegrin assemblies have discussed creating an ombudsman institution, but so far no concrete steps have been taken. The Special Rapporteur has repeatedly stressed the value of an ombudsman in her reports. She therefore welcomed learning from the Prime Minister of Montenegro in May 1997 that the Government had a positive attitude on the question, and that it is being studied by a group of legal experts. In a discussion with the Special Rapporteur in June, the Federal Minister of Foreign Affairs was willing to consider an ombudsman-type institution, although he said legal obstacles would need to be overcome.

D. Liberty and security of the person

156. Within 24 hours of arrest, the court or the police are obliged to inform the family of a person taken into custody. Normally, an arrested person has to appear before a judge within 24 hours. However, as noted earlier, article 196 of the Code of Criminal Procedure permits, in exceptional circumstances, arrested persons to be kept in police custody for a maximum of 72 hours, without access to a lawyer or judicial supervision. The 72-hour period is commonly used in cases of a political nature and can effectively be extended to four days on the basis of the Law on Internal Affairs (art. 11), which authorizes police detention for 24 hours to establish a person's identity. At the end of the period, the arrested person has to be brought before the investigative judge who may decide to keep that person for one month on remand. A higher judge can extend detention to two months or, in serious cases, up to a maximum of five months.

157. Although, in general, those legal provisions appear to be observed, they are often violated in cases of persons arrested in connection with political activities. Several parents of persons arrested during the November 1996-February 1997 demonstrations informed the Special Rapporteur that they had had to search police stations in Belgrade to learn whether their children had been arrested and where they were being held, because they received no information about the arrest from the police.

158. Particularly serious violations of laws requiring that arrested persons be brought promptly before a judge have been reported from Kosovo. In June 1997 Mr. Besim Rama and Mr. Avni Nura told the Prishtina District Court that they were held for more than two weeks in secret detention, from about 16 September to 2 October 1996, during which they were tortured by police in an attempt to make them confess to acts of terrorism. They appeared on 2 October before the investigative judge who wrongly recorded the date of their arrest as 29 September, so it appeared that they had been detained for only the permissible three-day period. No action is known to have been taken against those who allegedly kept the two men in illegal custody, tortured them and provided misinformation to the judge about the real date of their arrest.

E. Ill-treatment, torture and impunity

159. The Special Rapporteur continues to receive reports of torture and ill-treatment from various parts of the country, with the most serious allegations continuing to come from Kosovo. She wishes to emphasize her concern about the question of impunity, which, unless addressed by the Government, will continue to facilitate further acts of torture. Torture is specifically prohibited by article 25 of the Federal Constitution and article 218 of the Code of Criminal Procedure.

160. In various communications to the Special Rapporteur, the Government has advised her that it opposes illegal methods but that from time to time aberrations could occur. The Special Rapporteur therefore welcomed invitations from the Minister of Internal Affairs and the Ministry of Justice of Serbia to submit information on possible violations to them, and she has done this in a number of cases. The most detailed allegations which she has submitted concerned the brutal treatment of a demonstrator, Mr. Dejan Bulatovic, which she described in a letter of 13 December 1996; the torture or ill-treatment of five men in Kosovo, one of whom died allegedly as a result (described in a letter of 16 December, accompanied by detailed medical reports); the beatings of journalists and other peaceful participants in demonstrations (letter of 6 February 1997); and the death in police custody in Kosovo of another man (letter of 26 February).

161. The Special Rapporteur is disturbed that she has received no response to any of her letters, with the exception of a detailed reply from the Minister of Justice of Serbia about medical treatment provided to Mr. Bulatovic to help him recover from beatings he had sustained. Even that letter failed to react to the principal concern that the police had been responsible for ill-treating him. In none of the cases raised by the Special Rapporteur did the Government order an investigation or take steps to bring those responsible to justice.

162. Prosecutions against police for such practices are extremely rare. In Kosovo, where torture allegations are most numerous, only two policemen were convicted to imprisonment for such practices between 1993 and late 1996, according to official data provided to the Special Rapporteur. The Ministry of Justice of Serbia informed the Office of the United Nations High Commissioner for Human Rights that, after internal inquiries by the Ministry of the Interior, 14 policemen had been dismissed from service during 1996 or had other disciplinary measures taken against them, mostly for resorting to excessive use of force.

163. Montenegro, on the other hand, appears to pursue an active policy against perpetrators of police abuse, and the incidence of such abuse reportedly has decreased. The Special Rapporteur raised the issue with the Republic's Minister of Interior on the basis of a book called Crna Kutija ("The Black Box"), which described more than 80 specific allegations of ill-treatment or torture between mid-1992 and 1996. The Minister informed her that 48 policemen had been dismissed on grounds of police abuse in the last two years in Montenegro; 20 had been reinstated on appeal by the courts, however.

164. In most cases, victims of torture or ill-treatment who want justice to be done have to resort to initiating prosecutions themselves. But the relevant legal provisions are difficult to enforce. Several dozen peaceful demonstrators and journalists who were seriously beaten by the police on 2 and 3 February put their cases to the public prosecutor in the same month. So far he has apparently not reacted. One victim claims to have received threatening phone calls after submitting the case. The Special Rapporteur is unaware of any cases in which the perpetrators or those giving orders to use force against peaceful demonstrators in February have been brought to justice.

F. Right to life

165. As noted above, constitutional protection of the right to life should be clarified and the highest human rights standards should apply, meaning the death penalty should be abolished in accordance with the Federal Constitution. Although no judicial executions have been carried out for many years, there have been a few grave incidents in which detainees have died in Kosovo prisons after torture. In her report of 29 January 1997,[5] the Special Rapporteur expressed deep concern about the death of Mr. Feriz Blakcori on 10 December 1996, allegedly as a result of torture in police custody. In a letter to the Chairman of the Commission on Human Rights of 3 April 1997, she also reported that Mr. Besnik Restelica had died on 22 February 1997 in the District Prison in Prishtina, allegedly as a result of torture while in detention. As noted above, the Government has not reacted to the Special Rapporteur's letters calling for impartial investigations into these and other allegations of torture in Kosovo.

G. The right to fair trial

166. Fair trial standards are particularly at risk in cases connected with political activities. Major breaches of international standards for due process and also of several Yugoslav procedural requirements were found by an observer from the Belgrade Office of the United Nations High Commissioner for Human Rights who attended most of two trials of Kosovo Albanians conducted in the District Court, Prishtina, between May and July 1997. The cases were recently described in a special report of the Special Rapporteur.[6]

H. Freedom of expression and the media

167. Hundreds of newspapers and radio and television stations currently operate in Yugoslavia. Newspapers include a substantial number that are critical of the Government. Although these independent papers do not have the same access to cheap newsprint and effective distribution systems outside the capital as does the pro-Government press, the Special Rapporteur has received no complaints of censorship. As pointed out in a previous report, newspapers are much too expensive for the majority of the population. The principal and often only source of news is television and, to a lesser extent, radio.

168. Only State-run television, Radio Television Serbia, broadcasts throughout the country. It is therefore by far the most influential media outlet. It devotes 50 per cent of its airtime to political reporting, but remains under tight government control. Serbia's Minister of Information acknowledged this in June 1997, saying that Radio Television Serbia's news programme did not reflect the political reality in Serbia. The Special Rapporteur observes, however, that Radio Television Serbia has now started to provide limited coverage of some opposition activities.

169. In a positive development, programmes produced by the independent Radio B-92, which was closed down by the Government for several days during last winter's demonstrations, can now be heard throughout most parts of Serbia, except Kosovo and the Sandžak. The authorities have also restored broadcasting facilities to Radio Boom 93 in Pozarevac, eight months after withdrawing them during the winter demonstrations. However, in March the transmission strength of privately owned BK TV was reduced at a time when its owner was considering running as a presidential candidate.

170. In a welcome move, the Government of Montenegro granted permission in July to the independent Radio Antenna to extend its broadcasts outside the capital, Podgorica. TV Montenegro, however, remains under the firm control of the Government, although it has reached an unusual agreement with opposition parties. State-run electronic and print media are now obliged to broadcast and publish any signed statement by a opposition party in the parliament, provided it stays within certain limits (about 25 printed lines or three minutes of broadcasting). It appears that the agreement is being fully honoured.

171. Serbia's Minister of Information stated in April that she wished to regularize the situation of numerous electronic media that are broadcasting without a licence. She informed the Special Rapporteur that priority should be granted to the longer-established media. The Federal Ministry of Information announced in July that 347 radio and 153 television stations were operating without a licence, nearly all of them in Serbia. However, several radio stations, among them Radio B-92, have in fact been applying for official licences for several years, without ever receiving a response.

172. By July, 77 radio and television stations, owned privately or by local municipalities, had been closed down by the Government, the vast majority of which had operated in cities where opposition parties had won local elections. In the run-up to Serbian elections set for September, this raised fears that the closures had been prompted by political considerations. However, Serbia's Information Minister announced on 28 July that the closures would be suspended until after the elections and broadcasting facilities were restored to all of the stations.

173. The Special Rapporteur has been particularly concerned that appropriate free speech standards should be reflected in the new public information law, a third draft version of which was presented to Parliament in August. A positive feature of the draft law is that state bodies are obliged to provide free access to information in their charge, unless it is officially secret. This should help to address long-standing criticism by independent media in Serbia, which,

unlike media in Montenegro, have difficulties in obtaining access to official information and government briefings.

174. However, important concerns remain. The draft media law contains several articles that can be used to restrict the rights of editors and journalists to express themselves freely. For example, the law would prohibit media from publishing and even reproducing information "offending the honour or respectability of a person, or containing offensive formulations or indecent expressions". This provision appears to exceed the limits permitted by article 19 of the International Covenant on Civil and Political Rights on the right to free expression. Moreover, this and other articles of the draft law contain broadly phrased formulations, notably the obligation for media to provide "true information" and not to publish or transmit "false information on [a] person's life, knowledge and capabilities". This can easily be used to inhibit legitimate criticism or scrutiny of the conduct of public persons such as politicians, in contravention of international standards.

I. The situation of minorities: Kosovo

1. Liberty and security of persons

175. The Special Rapporteur has continued to receive reports of serious ill-treatment and torture committed in Kosovo against persons in police custody. This violence has occurred mainly, though not exclusively, in connection with police raids and arrests taken as a response to violent attacks against the Serbian police and private individuals in the region during the last year. As noted in the Special Rapporteur's recent special report on Kosovo trials,[6] most of the defendants in trials held in Prishtina in May and July allege having been subjected to torture during interrogation by the police and state security services. Staff of the Belgrade office of the United Nations High Commissioner for Human Rights have interviewed a number of persons in recent months who witnessed or were themselves subjected to ill-treatment and other human rights abuses by the police in Kosovo.

176. In April testimony was received from four Kosovo Albanian students who alleged physical ill-treatment by the police in Prishtina. According to their account, on 19 March at around midday they were stopped by two uniformed officers in a street in central Prishtina. After checking the IDs of the four men, the police took them into the entrance of a building nearby, where they were ordered to get undressed for a body check. One of the police officers then pulled out his truncheon and allegedly started beating the men on their legs and backs. Between the beatings the four were ordered to give information about their studies at the "parallel" university in Prishtina and about a shooting incident in which a police officer had been killed in Podujevo.

177. The Special Rapporteur has also received a number of allegations of so-called "hostage" arrests, in which the police have detained relatives or family members of persons whom they are seeking to arrest. In one such incident on 10 June, the police entered a house in a village near Skenderaj searching for a Kosovo Albanian man. As they failed to find him, they detained his brother instead to make the man give himself up. In another reported incident, on

29 April, special police units raided a home in Prishtina looking for "NN", the owner. As he was not at home, the police allegedly harassed and ill-treated his wife and daughter and then took his brother to the police station from a house nearby.

178. Violent attacks against Serbian police and persons employed by the local authorities in Kosovo have continued in recent months. In one of the latest incidents two police officers were seriously injured on 4 August when their car came under automatic-rifle fire close to Srbica. The previously unknown organization, the Liberation Army of Kosovo, has claimed responsibility for most of the attacks, in which some 30 persons have lost their lives in the last year. Following the killing of two Kosovo Albanian men and a Serbian police officer in May, the group issued a communiqué threatening to carry out more strikes against persons who "collaborated with the Serbian authorities".

2. Education

179. A full year has passed since the memorandum of understanding on the normalization of education in Kosovo was signed by President Milošević and Dr. Ibrahim Rugova on 1 September 1996 and the Special Rapporteur notes with concern that no concrete steps have been taken to bring the agreement into practice. The joint commission created to implement the agreement has met a couple of times since the beginning of the year, but the parties seem to be locked in their positions. It is estimated that some 300,000 pupils attend the "parallel" primary and secondary schools, which have operated throughout Kosovo since 1990. The Albanian "parallel" university in Prishtina has reportedly enrolled 6,165 students for the next academic year. Most of these institutions operate in private houses and other temporary premises. In mid-August Kosovo Albanian students of the "parallel" university in Prishtina announced that they would try to enter the premises of Prishtina University itself at the beginning of the new academic year in October and that they would launch street protests over the failure to implement the September 1996 memorandum.

3. Discrimination and property rights

180. The Special Rapporteur's attention has also been drawn to a number of cases relating to implementation of the 1989 Act on Special Conditions for Real Property Transactions. It is reported that from April to June 1997, more than 60 Kosovo Albanians were sentenced to up to 60 days in prison for purchasing property without the approval of the Serbian Ministry of Finance as required by the law. The Act entered into force on 22 July 1989 and is to be applied for 10 years. This law, which applies to the whole of Serbia except for the province of Vojvodina, places severe restrictions on the purchase, sale, exchange and renting of real property between members of different ethnic groups. Under the law all property transactions have to be approved by the Serbian Ministry of Finance.

181. According to the law, approval of real property transactions is only to be granted if the transaction is deemed to have no impact on the ethnic structure of the population and will not provoke anxiety, insecurity or inequality among

persons belonging to different ethnic groups. The law further provides for sanctions only against the purchaser, in cases where transactions are carried out without the approval of the Ministry. The law's underlying logic appears to be to control the migration of certain ethnic groups from areas in which they constitute a minority and thereby to prevent undesired changes in the population's ethnic distribution.

182. Information received by the office of the United Nations High Commissioner for Human Rights in Belgrade suggests that the law is being unevenly and arbitrarily implemented, depending on the applicant's ethnicity and place of residence. The fact that the law is not applicable in Vojvodina would appear to place owners of property outside that province in a preferred position. The exclusion of Vojvodina from the law's scope is also surprising considering the fact that some 30 different ethnic communities live in that region. Ethnic Albanians and other members of minorities with permanent residence in Belgrade wishing to buy apartments in that city have reportedly had their applications rejected. It is also reported that members of the Turkish minority in Prizren have been prevented from purchasing property in that municipality, despite the fact that the community's population is continuously decreasing. According to local lawyers, around 98 per cent of the applications filed by Albanians or other minority members in Kosovo are rejected.

J. The situation of minorities: The Sandžak

183. On 10 July the situation in Novi Pazar turned tense when heavy police units, together with the Serbian Minister of Local Government, entered the municipality building with an order from the Government of Serbia to dissolve the town administration and assembly. By this order the Government also introduced a mandatory rule bringing the functions of local administration under the control of a new municipal council composed of the local branches of the Socialist Party (SPS) and the Yugoslav Left (JUL) - the ruling government coalition in Serbia. Furthermore, a congress of the coalition List for the Sandžak planned for 12 July in Novi Pazar was banned by an order from the Serbian Ministry of Interior. In the 1996 local elections the List for the Sandžak, led by Mr. Suleijman Ugljanin's Muslim National Council for Sandžak, had secured two thirds of the seats in the municipal assembly. In the July 1997 incident, a number of people who had gathered outside the building were reportedly beaten by the police, and Mr. Ugljanin, a member of the Federal Parliament, was prevented from entering. All access roads and major street crossings in Novi Pazar were reportedly blocked by the police from 10 to 13 July.

184. In a press release the Government stated that the action had been taken due to a number of illegitimate and unconstitutional decisions made by the municipal organs of Novi Pazar. According to the decision, the municipality was placed under mandatory rule because the municipal organs had been ethnically and politically biased when filling key posts in public offices, and because it had failed to meet its obligations to cover the expenses of the local primary and secondary schools. The decision further makes reference to article 45 of the Law on Local Government, under which the Government is entitled to appoint a new

council to run a municipality if it is established that the elected organs have acted illegally or unconstitutionally.

185. Without prejudice to the merits of the case, the Special Rapporteur notes that the law in question gives far-reaching powers to the central Government to intervene in the work of locally elected organs and it would therefore seem advisable that its provisions be interpreted restrictively. The Special Rapporteur is also concerned that these drastic measures, which de facto amount to nullifying the results of the 1996 local elections, are not conducive to fostering the fragile democracy slowly taking root in Serbia.

186. On 11 July the District Prosecutor in Novi Pazar requested that the Federal Parliament waive Mr. Ugljanin's immunity as a parliamentarian. Mr. Ugljanin was not officially notified of the decision to withdraw his immunity until 28 July. On 18 July he appeared before the District Court in Novi Pazar for a hearing on charges brought against him in 1993. The hearing was adjourned at the request of Mr. Ugljanin's attorney and resumed on 30 July. Mr. Ugljanin is conducting his defence in liberty. It will be recalled that he left Yugoslavia in 1992 after being accused of engaging in "activities aimed against the constitutional order of the State", under article 136 of the Penal Code. He returned to the country in September 1996, without any legal action being taken against him, and was elected a Member of the Federal Parliament in the 1996 elections.

187. As noted in the Special Rapporteur's earlier reports, the security situation in the Sandžak area has improved in recent years. While no systematic abuses have been reported, the Special Rapporteur was informed of some violent attacks against Muslims that had occurred in the first months of 1997. It appears that the police have taken no action to investigate those crimes, which were apparently ethnically motivated. For example, it was reported that on Orthodox Christmas Eve, 6 January, an explosive device was thrown into a shop owned by a Muslim man in Priboj. The same night a number of kiosks and shops owned by Muslims in Priboj were vandalized by unknown persons.

188. A long-standing issue in the Sandžak is the situation of internally displaced persons in Pljevlja and Priboj. In her report of 25 October 1996,[7] the Special Rapporteur gave a detailed account of the question. On 4 and 5 May 1997 she visited the town of Pljevlja where around 40 families of displaced persons originating from the remote border region of Bukovica are accommodated. It is estimated that 1,500 people left Bukovica in 1992 and 1993, most because of fear of the war in neighbouring Bosnia and Herzegovina, but others because of violence and harassment mainly by Bosnian Serb army and paramilitary units passing through the area. Reservists of the Yugoslav National Army (JNA) were also said to be responsible for some of the acts. Most houses left behind by the fleeing Muslims were badly damaged by the military and looting neighbours.

189. During her visit to Podgorica in May 1997 the Special Rapporteur discussed the situation of the displaced in Pljevlja with members of the Government of Montenegro, and stressed the responsibility of the authorities to assist the internally displaced to return to their homes. On 5 August the Prime Minister of Montenegro, Mr. Milo Djukanović, wrote a letter to the Special Rapporteur outlining the Government's plans to develop the region of Bukovica, inter alia,

by improving local roads and modernizing medical services. The Government has also opened a new police station in Kovacevici-Bukovica to improve the security situation.

190. A group of 217 internally displaced persons in Priboj are still waiting to go back to their homes in the Sjeverin-Kukurovici area. In October 1996 the authorities of the RS gave permission to those people to cross a strip of RS territory on the road between Priboj and their villages. Many of the displaced now go regularly to the villages to inspect their destroyed homes and to tend their gardens, but most return to Priboj in the evening because of security concerns or simply because their houses are uninhabitable. The majority of the displaced in Priboj feel that the Serbian authorities have not taken adequate measures to make their return safe. The Special Rapporteur has on numerous occasions raised the situation of the displaced in Priboj with the Federal and Serbian Governments and she has been discouraged by the authorities' failure to take steps to solve the problem.

K. The humanitarian situation

191. The Special Rapporteur is aware that major humanitarian problems exist in Yugoslavia. Large parts of the population are struggling for survival in a depleted post-war economy. Educational, health and other public sector staff face delayed payments of salaries and wages and have increasingly resorted to strikes. Private sector workers also often must wait for months to receive payment and many do not receive the full wages due to them. Pensioners and other recipients of social benefits often have to wait for several months and sometimes nearly a year to receive their allowances. Although the Government is still seeking to maintain basic social services for the population, it is increasingly hard to provide them. Basic health care is free, but the service has deteriorated sharply and many patients have difficulties in getting necessary medical treatment.

L. Refugees and citizenship

192. The Refugee Law provides that refugees have the right to employment and education and the same access to health care as the rest of the population. However, the situation of refugees, of whom 561,000 are officially registered, has not improved. Food aid, primarily from foreign sources, was drastically cut in 1997 owing to lack of funding. The Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia, signed in August 1996, obliged the two States to ensure conditions for free and safe return of refugees and the return of their property or a just compensation. Yet, although the contracting parties continue to meet, there has been no substantive progress on any of these important issues.

193. While no formal or legal obstacles exist for return to Bosnia and Herzegovina, security concerns and lack of adequate housing have often made refugees reluctant to return to areas where they would be in a minority. In addition to these same concerns, refugees wishing to return to Croatia encounter mounting administrative obstacles.

194. For many refugees the property they left behind, mostly in Croatia, is their sole financial asset. Many of their houses, however, have been occupied by others and it is extremely difficult, if not impossible, for refugees to sell property in Croatia from Yugoslavia.

195. The new Yugoslav Citizenship Law took effect on 1 January 1997. Any citizen of the former Socialist Federal Republic of Yugoslavia who habitually resided on territory of the Federal Republic of Yugoslavia as at 27 April 1992 can, after application, automatically acquire Yugoslav citizenship. Refugees from the former Yugoslavia arriving after that date who do not have other citizenship may also be granted Yugoslav citizenship, at the discretion of the competent Federal authorities. All applicants have to state that they do not possess other citizenship or have renounced such citizenship.

196. A key concern of refugees appears to be their fear that, by applying for Federal citizenship and thus having to renounce their current citizenship (e.g. that of Croatia or Bosnia and Herzegovina), they would lose their property rights and the right to return to their country of origin. Often their homes are their only major material possession. Dual citizenship is therefore a favoured option and, although discussions between Yugoslavia and Croatia have started on the issue, no agreement has yet been reached. The Special Rapporteur welcomes the fact that refugees have been given time to decide whether to apply for Yugoslav citizenship and she favours any durable solution that enables them effectively to exercise their rights to property in the countries they have left.

M. Conclusions and recommendations

197. The Special Rapporteur recalls with appreciation the Government's decision in February 1996 enabling the United Nations High Commissioner for Human Rights to open an office in Belgrade to assist the Special Rapporteur in carrying out her mandate. Since assuming office, she has received full cooperation from the Federal Government in meeting appropriate officials during her frequent visits to the country. Field staff of the High Commissioner have been free to travel anywhere they wish. The Government has also provided additional information and comments on most of the reports the Special Rapporteur has submitted to the General Assembly and the Commission on Human Rights.

198. However, the Government's cooperation remains strictly limited in scope. In particular, the Special Rapporteur is concerned that the Government has not responded to issues she has raised nor implemented her most important recommendations. The Special Rapporteur believes that the exercise of her mandate should not be limited to the preparation of reports to be submitted to United Nations bodies, but should lead, in Yugoslavia, to prompt and concrete measures that benefit people whose rights are being violated. Unfortunately, this has not happened.

199. The Special Rapporteur has rarely received responses to the many detailed questions about reported violations of human rights that she has raised in the course of the last year, whether in person or in writing. Detailed communications to the Ministry of the Interior about police misconduct during

last winter's demonstrations in Belgrade and at other times throughout the country, notably in Kosovo, have not elicited any response. Nor has the Special Rapporteur received a response to her latest report finding major breaches of due process standards in two trials of Kosovo Albanians in the summer of 1997.[6]

200. The Special Rapporteur regrets that the Government has not met its treaty-reporting obligations, especially with regard to the International Covenant on Civil and Political Rights. She is encouraged, however, that the Government has informed the office of the High Commissioner that it will soon submit a report to the Committee on the Elimination of Racial Discrimination.

201. Also of concern is the Government's refusal to allow the Office of the United Nations High Commissioner for Human Rights to establish a presence in Prishtina. In fact, when the Special Rapporteur met the Minister of Foreign Affairs in June 1997 he specifically rejected her request on that issue. The Special Rapporteur attaches great importance to this matter, which was addressed last year by the General Assembly in its resolution 51/111 of 12 December 1996.

202. The Special Rapporteur recommends that the Government review and implement the recommendations in her previous reports, many of which have not been complied with, notably the recommendation that the Government take measures to strengthen legal and other guarantees for the protection of human rights. In particular, the Government should now proceed to ratify the Optional Protocol to the International Covenant on Civil and Political Rights.

203. Also as previously recommended, the Government should create an accessible, independent and impartial supervisory institution like an ombudsman. If such a body cannot immediately be created at the Federal level, it could first be established by one of the Republics, such as Montenegro.

204. The Government of Serbia should permit all major political parties proper access to state-run television and should provide balanced reporting of their activities. It could take measures similar to those in force in Montenegro, which oblige state-run electronic and print media to carry any statement by a parliamentary party (whether in the Government or opposition) as long as it is limited in length and duration.

205. The Government should remove from the draft media law broadly phrased formulations that can be used to inhibit legitimate criticism or scrutiny of the conduct of public persons, as well as other provisions that could limit enjoyment of the right to freedom of expression.

206. The Government should establish a programme of human rights education in schools, academic and legal institutions as well as in police training institutions. It should encourage wider and deeper knowledge of the human rights treaties to which Yugoslavia is a party as well as their direct application in court proceedings. It should undertake to translate, into Serbian and Albanian, and distribute widely those human rights treaties as well as other relevant United Nations standards.

207. The Government should take prompt steps to eliminate the discrepancies between the human rights standards provided in the International Covenant on

Civil and Political Rights, and those of the Federal and republican Constitutions, as well as the Criminal Code and Code of Criminal Procedure. The current legal framework lacks clarity and victims of human rights violations suffer its arbitrary consequences. Particular attention should be paid to areas identified in this report, namely, judicial supervision of police detention, prompt access of arrested persons to lawyers and the right to life.

208. Lawyers should be granted prompt access to their clients after arrest and should on all occasions be permitted to communicate with clients in full confidentiality. They should be permitted in all circumstances to defend clients charged with minor offences under the Law on Petty Offences.

209. The Government should create an effective mechanism to ensure that procedural requirements in criminal and administrative law are enforced and that breaches of the rules by responsible officers are met with appropriate sanctions.

210. The Government should ensure that those responsible for torturing or ill-treating persons in custody and those who ordered or participated in the use of force against peaceful demonstrators in early 1997 are brought to justice. The Government should examine and respond to the specific cases submitted by the Special Rapporteur.

211. Immediate steps must be taken to end continuing police abuse and ill-treatment in Kosovo. The Government should order an impartial investigation into the deaths of the two men who died in the custody of police in Kosovo in the course of 1997. Discrimination against ethnic Albanians in the fields of education and employment, among others, must be brought to an end. The Special Rapporteur is deeply disturbed by the violent attacks against the police and private individuals in Kosovo and urges all parties to find peaceful means to solve the problems in that region.

212. The Government should take immediate steps to investigate acts of violence or vandalism directed against the Muslim community in the Sandžak and should ensure full respect for democratic principles and other human rights in its relations with the local political leadership in the Sandžak.

213. The Government should take all necessary measures to create conditions for the free and safe return of refugees, in accordance with the bilateral agreement concluded with Croatia. The Government should also find a durable solution enabling refugees effectively to exercise their rights to property in the countries they have left.

Notes

[1] E/CN.4/1998/13, E/CN.4/1998/14 and E/CN.4/1998/15, respectively.

[2] E/CN.4/1998/12.

[3] S/1997/434, annex, para. 60.

[4] E/CN.4/1997/9.

[5] E/CN.4/1997/56.

[6] E/CN.4/1998/9.

[7] E/CN.4/1997/8.

Appendix

LETTER DATED 3 APRIL 1997 FROM THE SPECIAL RAPPORTEUR TO THE CHAIRMAN OF THE COMMISSION ON HUMAN RIGHTS

Further to my latest report, which is currently before the Commission,* I would like to share with you more recent information from the first three months of 1997 relating to the human rights situations in Bosnia and Herzegovina, Croatia, Yugoslavia and the former Yugoslav Republic of Macedonia. My motivation in doing so is to bring the Commission fully up to date as it considers its 1997 resolution on this issue.

Bosnia and Herzegovina

I regret to say that there is still much cause for concern regarding the human rights situation throughout Bosnia and Herzegovina, which leads me unfortunately to conclude that many authorities are not truly committed to human rights protection. The following discussion considers some of the main problem areas in early 1997.

In the city of Mostar in the Federation of Bosnia and Herzegovina, there were in January and February 1997 escalating human rights violations and acts of aggression, including one killing, numerous illegal and forcible evictions, explosions and various forms of assaults. While the main victims of these incidents have been Bosniaks, Bosnian Croats also have suffered substantially in the prevailing climate of violence.

The grave situation in Mostar reached a peak on 10 February 1997, during celebration of the Muslim holiday of Bajram, when Bosnian Croat police used force against a peaceful Muslim procession heading towards a cemetery on the city's west side. The report of the International Police Task Force (IPTF) into the event revealed that the Muslim group of some 200 persons was stopped and intimidated several times by Bosnian Croat police officers and when the procession neared its destination, plainclothes and uniformed police officers again approached the crowd. Some officers started to beat marchers with batons and as the marchers retreated one police officer shot in the air, while at least two others opened fire at the crowd. The police action resulted in the death of one Bosniak man and injuries to at least 20 other persons. The policemen were photographed while committing this abuse and have been identified; one is the Deputy Police Chief in west Mostar.

The IPTF investigation concluded that the west Mostar police had used excessive force, in violation of national and international human rights standards, and that they had attempted to cover up the facts of the incident. Following the event, the Office of the High Representative proposed a 12-point decision, which included emergency measures to be taken in response to the incident and to the general situation of violence and impunity in Mostar. Some of those measures have now been implemented. However, the main request to prosecute west Mostar police officers identified as perpetrators of serious human rights violations has been handled with clear disregard to the facts. The trial, resulting in suspended sentences for the accused, has been criticized by

international monitors as violating basic principles of the rule of law. I believe the competent authorities must take seriously demands to organize a new trial in this case. Meanwhile, although the human rights situation in the Mostar region has now stabilized, it remains tense. A continuing lack of progress in creating joint institutions, for example, by unifying the west and east Mostar police, may again have a negative influence on the situation.

In response to events in Mostar, I sent a letter on 11 February 1997 to the then-President of the Federation, Mr. Kresimir Zubak, in which I expressed my deep regret and sorrow over what had occurred. I also recommended that a thorough and impartial investigation of the incident of 10 February be undertaken immediately; that responsible officials who had acted or failed to act with regard to the event be removed from office and subjected to legal proceedings where appropriate; that individuals whose rights had been violated be adequately compensated; and that persons illegally evicted around that time be immediately reinstated in their homes. To receive first-hand information on the situation I visited Mostar on 20 February, and again on 24 and 25 March, and met with representatives of the local authorities and interrational organizations.

As a consequence of the dramatic incident of 10 February, a wave of violence spread throughout many areas of the Federation. I received reports of numerous incidents, some targeting members of the Bosnian Croat community and Catholic religious sites while others were against Bosniaks. Numerous travellers were stopped, intimidated and abused on roads throughout the region, and more than 20 Bosniak families were evicted from apartments on the western side of Mostar. While most of those evicted were later reinstated, the response of local authorities generally to the deterioration of the human rights situation in the area has been weak.

A report covering the human rights and security situations in the Mostar region from 1 January to 15 February 1997 has been prepared by the IPTF and the Human Rights Coordination Centre and presented to the competent authorities. The report concludes that Mostar is a city gripped by ethnic tension and outbreaks of violence, unchecked by responsible police or political action. One of the serious problems contributing to that situation are inflammatory statements in the media. I have been strongly urging Federation authorities to put an end to violence and impunity, to restore the rule of law, to do the utmost to stop the media war and through joint statements to contribute to the restoration of confidence.

Elsewhere in Bosnia and Herzegovina I have received information on serious human rights violations committed in the Republika Srpska. In the Teslic area, for example, the harassment and intimidation of minorities continues. The perpetrators of those violations have often been identified as members of an organization called the Civil Protection Unit, the legality of which has been questioned. Dismissals based on persons' nationality or political opinions remain a common problem in Teslic and elsewhere in the Republika Srpska. In cases where positive court decisions have been issued, they have not been implemented.

During the first months of 1997 I have noted no substantial progress on the return of refugees and displaced persons to their homes in Bosnia and Herzegovina. Violence continues in the area of Gajevi, in the zone of separation, where Bosniaks have been attempting to rebuild their homes. On 26 January an estimated 250 Bosnian Serbs attacked Bosniaks working on their homes while Republika Srpska police stood by. Acts of arson, explosive attacks and violent assaults were reported into March in the Gajevi area and all erected prefabricated houses were destroyed.

During my mission in March 1997 I visited the municipalities of Stolać, Capljina and Goražde (Republika Srpska) with the main aim to explore possibilities for facilitating and speeding the process of return of displaced persons and refugees to those areas. However, after meeting with the responsible local officials I have reached the conclusion that they are not ready to implement any return project in a meaningful manner, notwithstanding repeated commitments made by relevant high authorities of the Federation and the Republika Srpska. At the same time, however, I am encouraged that many displaced persons and refugees still express a determination to return to their homes. In this connection it will be essential that demining work in areas of return be accelerated, especially considering the increasing numbers of people who will try to visit their homes during the summer.

From a legal standpoint, one of the main obstacles to return continues to be disputes over property ownership. Property laws that are not in compliance with international standards continue to be applied by local authorities with the intent to prevent the return of "unwanted" people. Crucial for resolution of the property problem is the work of the Commission for Real Property Claims of Displaced Persons and Refugees, established by the Dayton Agreement. The Commission has been hampered by a lack of funding, however, and no legal authority to implement its decisions, of which it has issued some 500 to date.

Finally, I have repeatedly emphasized the importance of proper functioning of law enforcement agencies and the court system, without which respect for human rights cannot possibly prevail in the country. There is some encouraging information in this area. I am pleased to note that the case of Mr. Bajric, mentioned in my report, has been resolved and the detainee released. Unfortunately, other cases to which I have referred are still pending. I would like also to acknowledge the decision in the case of Mr. Covic, a Serb accused of war crimes in a Federation court, who was absolved. The case can be regarded as an important step toward building confidence in an impartial judiciary in Bosnia and Herzegovina.

Croatia

The human rights situation in Croatia has remained a serious cause for concern in the first months of 1997. The Croatian Serb population in the former sectors still lives in conditions of insecurity and suffers from ethnically motivated harassment. This seems particularly true in the former Sector South near Knin, but applies throughout the former Sectors South, North and West, where reports continue of alarming incidents of property destruction, intimidation and looting. I wish to reiterate the importance I attach to a strong and professional police presence in the region, to efficient

investigation of human rights abuses and to the arrest and conviction of those responsible for past violations.

An increasing number of Croat refugees and displaced persons are now settling in homes throughout the former Sectors West, North and South, most of whom had not previously lived there. Many of these persons are moving into houses and flats belonging to displaced and refugee Croatian Serbs. As I mentioned in my latest report, the resettlement of Croats has not been matched by a simultaneous return to the region of Croatian Serbs. I have been discouraged to note the deep aversion of many Croats towards the return of Serbs. During my mission to Croatia from 16 to 22 February, I had the opportunity to meet with elderly Serbs living under poor conditions in the Plavno valley in the former Sector South, who expressed deep wishes for the return of their relatives, notably younger men. Yet I also experienced a definite reluctance among local authorities to assist and expedite the return of those relatives. I believe that real measures must be taken by the Government to facilitate the return of Serbs now living away from their homes.

Concerning in particular the region of Eastern Slavonia, Baranja and Western Sirmium, which I visited from 16 to 18 February, I am concerned that with the approach of elections on 13 April people are feeling increasingly insecure about their future. This has resulted in an increase in the number of families leaving the region, mainly for Yugoslavia, although some people seem only to be moving their property across the border while they "wait and see" ongoing developments. A grave incident of violence occurred on 31 January, when a lone mentally disturbed gunman opened fire on a United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) vehicle near Vukovar, killing a Belgian corporal and wounding two other UNTAES officers. On two occasions groups of stone-throwing youths attacked Croat administrative staff as they were being transported to work in the region. Other incidents of threatening behaviour towards Croat government officials have been reported and I am concerned that those incidents might be the beginning of a more widespread campaign of intimidation in the region.

As for the upcoming elections, the franchise of voters is of course linked to the possession of valid Croatian documents. I have been pleased to learn of the opening of new UNTAES documentation centres, operating on a six-day per week schedule, and of an increasing number of people applying for Croatian citizenship, but I am concerned that the process is nevertheless encountering major difficulties. I have received reports of numerous persons being issued documents with technical errors rendering them unusable, while others are refused documents outright for no apparent valid reason. In some cases the Croatian authorities inexplicably treat members of the same family differently. According to the Government of Croatia, as at 29 March a total of 122,291 citizenship certificates (domovnice) had been issued to pre-1991 residents of the region and Serb displaced persons now living there and only 228 applications had been denied. Some observers question these figures, however, particularly since reports of denials received by local non-governmental organizations alone approach the Government's 228 figure. It is estimated that more than 80 per cent of Serb displaced persons arriving in the region after 1991 are still to be enfranchised. Because of all of these problems, I believe there is

a strong chance that a significant percentage of potential Serb voters will remain disenfranchised by the time the 13 April elections take place.

On 13 January 1997, the Government issued a letter from the Government of the Republic of Croatia on the completion of peaceful reintegration of the region under the Transitional Administration, Republic of Croatia (S/1997/27, annex). In that letter the Government accepted and adopted many proposals made by UNTAES and offered substantial confidence-building initiatives for the benefit of the Croatian Serb community. These included deferment of military service for Serbs in the region; guarantees of Serb political representation at the local, regional and national levels; and affirmation of the Government's intention to protect Serbs' civil and legal rights as required by Croatian law. I consider the letter to be a good start for a successful peaceful reintegration, although I wish to reserve my final opinion pending its actual implementation. I would like to point out, however, that decisions concerning the post-UNTAES human rights monitoring presence should be taken as soon as possible in order to ensure the population in the region that an international presence will remain.

In my latest report, I discussed the Law on General Amnesty of October 1996. The Ministry of Justice has advised that, as at 20 January, the provisions of the Law had been applied to a total of 3,857 persons. The Ministry has further informed me that 3 of 27 persons re-arrested after being released from prison under the Law have now, again, been released; of course, I remain concerned about the other 24 detainees. I may also note that I am concerned about the ambiguous list compiled by the Government of some 150 persons accused of war crimes. Although it was announced that the list is final, I believe it will be continuously subject to revision. I would therefore like to urge that consideration be given to the involvement of the International Tribunal for the Former Yugoslavia in cases of possible war crime prosecutions in Croatia, in much the same way the Tribunal is involved in Bosnia and Herzegovina under the so-called "Rules of the Road" of the 1996 Rome Agreement. The Tribunal can assist in verifying that a sound basis exists for the Government's prosecutions. It is my belief that correct implementation of the Law on Amnesty requires a commitment to fair and open judicial proceedings for alleged war crimes and I therefore urge Croatia to involve the Tribunal in that process.

Finally, an issue of recent concern to me in Croatia has been the question of a free and independent judiciary. Since the issuance of my latest report, the State Judicial Council dismissed Dr. Krunislav Olujic as President of the Supreme Court. The Council ruled that he had consorted with known criminals and used his influence to further their interests, thereby damaging the Supreme Court's reputation. However, key aspects of the proceedings against Dr. Olujic give me strong reason to believe his dismissal may have been connected to his determination to work independently of the ruling political party, the Croatian Democratic Union (HDZ). I have sent a letter to Croatian Foreign Minister Mate Granić, in which I seek the Government's view on the Olujic case as well as on judicial independence generally in Croatia.

Yugoslavia

After three months of widespread and almost entirely peaceful demonstrations throughout Serbia against electoral malpractice during the November 1996 municipal elections, in early February 1997, the Government finally took the important step of acknowledging the victory of the opposition coalition, Zajedno, in Belgrade and 13 other major cities. During my visit to Yugoslavia from 16 to 19 January 1997, I had the opportunity to discuss human rights concerns connected to the demonstrations and other matters in a wide range of meetings with the Foreign Minister and the Serbian Minister of the Interior, as well as with the Federal and republican Ministers of Justice and other officials. Subsequently, in a letter of 6 February to Foreign Minister Milutinović I welcomed the Government's decision to recognize the will of the electorate. Unfortunately, however, I have noted that no steps have so far been taken against those responsible for electoral malpractice.

While encouraged by the Government's decision, I was gravely concerned by the widespread and indiscriminate use of force unexpectedly employed by the police on 2 and 3 February 1997 against peaceful demonstrators and bystanders, just a few days before the decision was announced. The staff of the Belgrade office of the United Nations High Commissioner for Human Rights and I interviewed demonstrators who had been hospitalized for injuries received when they were beaten by police, apparently without provocation. Many demonstrators, including young people between 16 and 18 years old, had been detained.

I stated in letters to the authorities that police conduct during the demonstrations contravened international human rights standards permitting the use of force only when strictly necessary. I requested that immediate instructions be issued to the police to refrain from violence against peaceful demonstrators and expressed my concern that relatives of arrested persons were in many cases not informed of the whereabouts of family members. As I indicated in my letters, the protection of arrested persons in Yugoslavia must be improved.

I am increasingly concerned that I have received no responses to these and other matters raised in my letters to the Government since November 1996 relating to the conduct of the police in Serbia, and notably those addressed to the Minister of the Interior of Serbia. Although the Minister of Justice on 9 January helpfully provided detailed information about the medical treatment of one demonstrator, my main points of concern have so far not been addressed by the Government, namely, an explanation of how he received his injuries and why the judge who saw them did not take appropriate action.

Concerning media in Yugoslavia, the Government announced on 24 February the drafting of a new media law that would purportedly lessen state control over Radio Television Serbia. However, it is unclear to what extent that stated commitment will be implemented. I have just reviewed the draft public information law and believe several of its provisions are contrary to important human rights norms for freedom of expression. The freedom of the media will be of crucial importance in the period preceding the upcoming republican elections. In my view, the new media law must provide strong guarantees for freedom of expression. The Government as well as local councils now controlled by the

opposition coalition should enable the media to operate free from control of any political party.

In Kosovo, the first months of 1997 have been marked by increasing political and inter-ethnic tensions, which were underlined by several violent attacks, mainly against local Serb authorities and their alleged Albanian collaborators. For example, on 16 January the Rector of Prishtina University and his driver were seriously injured when their car was blown up by a bomb in central Prishtina. The so-called Liberation Army of Kosovo, believed to be behind a number of attacks mainly on police and military targets in the last year, later claimed responsibility for the act. On 5 March, after weeks of relative calm, Prishtina was again shaken by a bomb, which exploded close to the Faculty of Philosophy of Prishtina University. Four persons - two Serbs and two Albanians - were reportedly wounded in the attack.

As a reaction to those incidents, on 22 January the Serbian police began a wave of arrests throughout Kosovo. More than 100 persons were reportedly arrested and in the first week of March 57 persons were still in police custody, while some 60 had been released. Testimonies given to staff of the Belgrade office of the United Nations High Commissioner for Human Rights indicate that the police used excessive force in carrying out some arrests and in searching the homes of suspects. I have also received alarming reports and testimonies suggesting that a large number of arrested persons were subjected to torture and ill-treatment during police interrogations.

In this context, I was particularly disturbed by the tragic death of Mr. Besnik Restelica in the district prison in Prishtina on 22 February, under circumstances suggesting he died as a consequence of torture. According to the authorities, he committed suicide by hanging himself from the upper bed in his cell. However, when he was brought before an investigative judge on 4 February, injuries on his face and feet reportedly were visible, and injuries were also visible on the body one day after his death indicating possible torture. I wrote on 26 February 1997 to the Minister of the Interior of Serbia expressing my deep concern about these allegations and requesting a prompt and impartial investigation into Mr. Restelica's death, but have not yet received a response.

Concerning education in Kosovo, I must note with regret that the Agreement signed by President Slobodan Milošević and Dr. Ibrahim Rugova in September 1996 is yet to be implemented. While the so-called "3+3" commission given the task of putting the agreement into practice has held two meetings so far, the talks have apparently produced no concrete results.

The situation of displaced families in Priboj in the region of the Sandžak, discussed in my two reports of October 1996[b] still remains unresolved. The authorities of the Republika Srpska, Bosnia and Herzegovina, in October 1996 gave those persons permission to cross its territory on their way to their homes in the Sjeverin area, but security concerns have so far made their permanent return impossible. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), 97 families are still displaced in Priboj, of whom up to 40 are considered in urgent need of humanitarian aid.

Also in the Sandžak, I am concerned that there has been no major progress on investigations into abductions that took place there in 1992 and 1993. In October 1996, the Montenegrin authorities arrested one man in connection with the abduction of 17 persons from a train at Strpci on 27 February 1993, and in March 1997 it was reported that the State Prosecutor in Bijelo Polje had decided to press charges against the man. However, with regard to other abductions that occurred in 1992 and 1993, I have not been informed of any further action taken by the authorities to clarify those events. I therefore intend to submit those cases for the consideration of the International Commission on Missing Persons chaired by Mr. Cyrus Vance.

The former Yugoslav Republic of Macedonia

Pursuant to the fifty-second session of the Commission on Human Rights and its resolution 1996/71, I have maintained contact with the authorities of the former Yugoslav Republic of Macedonia and visited the country on 13 and 14 January 1997 to acquaint myself with recent developments and issues connected to my mandate. In my last report on the human rights situation in the former Yugoslav Republic of Macedonia, submitted to the Commission on Human Rights in March 1996,[c] I identified a number of pressing human rights concerns such as delayed enactment of new legislation, irregularities in the work of law enforcement authorities and the rights of national minorities to education in their languages. Following are some observations about recent developments in the country based on information acquired during my visit and received on an ongoing basis by the Skopje office of the United Nations High Commissioner for Human Rights.

I have been pleased to note that some overdue basic laws have now been enacted in the former Yugoslav Republic of Macedonia. Restructuring of the court system started in July 1996 with implementation of the Law on Courts. The Penal Code, covering a three-year transitional period, came into force in November 1996. In February 1997 the Law on the National Ombudsman was passed, providing for establishment of the institution by the end of May 1997.

A number of cases in which police officers have credibly been alleged to have used excessive force continue to be reported. Some victims have been able to certify that they suffered physical injuries while in police custody and have taken legal measures against law enforcement officers. The Government's response has been that a case-by-case analysis showed that, except in three cases, force had been used in conformity with the law. Reports have, however, continued of citizens being detained for "informative talks" and held in police custody for several hours without seeing any document authorizing their detention.

Regarding minority rights, a positive development to note is that the 10 per cent quota for minority enrolment in university has been modified and now provides for minorities to enrol in percentages corresponding to their representation in the total population in the country, which, according to the 1994 census, included 22.8 per cent Albanians, 4 per cent Turks, 2.2 per cent Roma, 2.1 per cent Serbs and 0.4 per cent Vlachs. A special course for minority students in their last year at secondary schools aims at helping them pass qualifying exams for university faculties. Nevertheless, the number of minority

students enrolled in universities, especially those of the Albanian minority, is still not satisfactory despite increases recorded in recent years.

The failure to enact legislation facilitating exercise of the right of minorities to primary and secondary education in their mother tongues, through training of qualified teaching staff, resulted in a boycott of classes by ethnic Albanian students at the Faculty of Education in Skopje, which has continued since October 1996. In late January 1997 their demands for full instruction in the Albanian language brought enactment of a Law on Languages of Instruction at the Skopje Faculty of Education, providing for four-year studies in their mother tongue for ethnic Albanian and Turkish students.

In response, ethnic Macedonian students at the Faculty initiated protests against the law's adoption and demanded enactment of the law on higher education as well as strict respect of the Constitution, which declares that nationalities have the right to instruction in their language in primary and secondary education. Protest rallies were organized from 14 to 18 January 1997 by the Union of Students at the St. Cyril and Methodius University who were supported by the University Senate and a large number of university professors. In February, Macedonian students supported by secondary school students staged extensive street protests. Protesters threw eggs and stones and broke windows of government buildings in Skopje. In March, 19 Macedonian students went on hunger strike for two weeks. Slogans used during the protests showed the feelings of mistrust and intolerance held by many ethnic Macedonian youth towards ethnic Albanians, which feelings are doubtless returned in kind. Gatherings and movements of the students were generally undisturbed by the police authorities, although criminal charges were brought for destroying property and for "racial and other discrimination" for the distribution of pamphlets inciting inter-ethnic hostilities.

The so-called Tetovo University has continued functioning, reportedly without major interference from the Government. In June 1996, sentences for the five persons convicted for participation in the February 1995 Mala Rechica events at the University were reduced on average by half and the convicted were called to report to prison. In response, ethnic Albanian political parties organized a series of protest rallies demanding their release and recognition of the University. While three of these persons served full sentences, Mr. Fadil Sulejmani was released on parole on 1 February 1997, more than two months before expiry of his term, and Mr. Nevzat Halili was released on 27 January 1997, more than three months early.

Overall, while I recognize that important advances have been made by the Government in the past year for the protection and promotion of human rights, I must note that the legislative process has been slow. However, the Law on Criminal Procedures, due to be put in place in April 1996, was finally enacted at the end of March 1997. It remains to be seen when laws on civil and executive procedures, higher education and radio broadcasting will be passed.

I welcome the enactment of the Law on the National Ombudsman, as well as the February 1997 ratification of the European Convention on Human Rights, and I have encouraged the authorities of the former Yugoslav Republic of Macedonia and

local non-governmental organizations to raise the awareness of citizens of these important human rights protection mechanisms.

I also welcome steps taken towards establishing a technical cooperation project in the field of human rights between the United Nations High Commissioner for Human Rights and the Government of the former Yugoslav Republic of Macedonia.

Although steps have been taken to address the situation of the education of national minorities, this remains one of the most pressing concerns in the country. I strongly hope that all members of society, especially youth, can be encouraged to overcome ethnic intolerance and contribute to social harmony and understanding.

Finally, while I am fully aware of the specifics of its situation, I wish to recommend that the former Yugoslav Republic of Macedonia remain considered within my mandate until there is evidence that the positive legislative developments of the last year are followed up on and at the latest until the end of September 1997. At that time I will present my final report on the country to the Commission and will expect to recommend, unless unforeseen circumstances arise, that consideration of the former Yugoslav Republic of Macedonia in the mandate of the Special Rapporteur be discontinued.

Elisabeth REHN
Special Rapporteur

Mr. Miroslav Somol
Chairman,
United Nations Commission
on Human Rights
Geneva

Notes

[a] E/CN.4/1997/56.

[b] E/CN.4/1997/8 and E/CN.4/1997/9.

[c] E/CN.4/1996/63.